



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

January 16, 2008

Regular Meeting at 7:00 P.M.

1800 Willow Lake Road, Discovery Bay, California

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### **A. ROLL CALL**

1. President Piepho called the meeting to order 7:00p.m
2. President Piepho led in the Pledge of Allegiance

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

Pat Richardson spoke about the attendance of the Crime Meeting and the use of email to notify residents about meetings. She also asked about when the residents were able to comment about any errors in the minutes of the previous meeting. Jeff Barber also spoke about the Crime Meeting that had been held the night before by the community. He commented about the level of police coverage in Discovery Bay, he asked that the board comment to the Board of Supervisors about the growth in Discovery Bay and the level of police. Michael Greggans spoke about a noise that he hears at the Water Treatment Plant at this site. He also commented that he feels that the community would be against any further growth in Discovery Bay. Ray Tetreault also commented about the possibility of contracting with the Sheriff's Department for an extra deputy assigned just to Discovery Bay. Todd Pastorini spoke about the meeting from the previous night and asked the board how to proceed with putting up the surveillance cameras in Discovery Bay with the monies raised by the community. Judy Kier read the paragraph on the agenda regarding Public Comment and stated that she felt there had been a lot of dialogue between the board and the speakers.

### **C. CONSENT CALENDAR**

Director Doran motioned to approve the Consent Calendar. Vice-President Murphy-Teixeira 2<sup>nd</sup> the motion. Director Dove asked about the item on the Request for Authorization referring to the Community Center. It was explained that this was to make a correction found during the audit being done at this time. He then asked how much monies were in the Community Center Fund and if they could be listed somewhere on the financials for the board to see. He also asked about the Cleary Brothers retention invoice listed to be paid. He stated that he thought that they would be meeting with Cleary Brothers before this was paid. Landscape Manager Reed responded that he had been unable to set up a meeting with the contractor. Legal commented that there was no condition in the contract that stipulated a final meeting and that there was no legal reason to withhold payment. There were no further comments. The motion passed. (4 ayes, 1 no, 0 abstain)

### **D. REQUEST FOR BOARD CONSIDERATION**

#### **1. Nominate & Reorganize District Board Positions for the 2008 Year (Piepho)**

President Piepho explained that this was an annual process for most boards. That they would be electing

the positions of President, Vice-President, and Treasurer.

Director Doran nominated David Piepho for President, he declined. President Piepho nominated Shannon Murphy-Teixeira for President. Director Doran 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (5 ayes, 0 no, 0 abstain)

Director Knight nominated Bob Doran for Vice-President. Director Murphy-Teixeira 2<sup>nd</sup> the motion. Director Dove nominated Patty Knight for Vice-President, she declined. There were no further comments. The motion passed. (4 ayes, 1 no, 0 abstain)

Director Doran nominated Patty Knight for Treasurer. Director Piepho 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (4 ayes, 1 no, 0 abstain)

2. **Review and Approve “List of Committees that Directors are Appointed to Represent” the Town of Discovery Bay CSD on for the 2008 Year (Koehne)** General Manager Koehne asked if the current assignments are acceptable for the year of 2008. The board was fine with their current assignments.
3. **Discuss and Possible Action on Various Crime Prevention Options / Programs for Discovery Bay (Koehne)** General Manager Koehne stated that this item was put on the agenda because of the Crime Prevention meeting that had been held the night before. Director Piepho stated that this was to be an opportunity for the board and the community to discuss what the Town could do. He asked the Pastorinis to the podium. Todd Pastorini spoke about how the meeting had shown that the community wants to be involved. He also spoke about the creation of more Neighborhood Watches and Safe Houses; he stated he is looking for chairman for those groups. He will be continuing to work with the electronic notification system through a web site that people can go to and share ideas and be notified of critical crime alerts. Mrs. Pastorini stated that she will need assistant in enacting the surveillance system. She commented that last night had been about working on how to improve the safety of our community and it was a large cross generation of the community. The Sheriff stated that he would be happy to find out about some of the other surveillance systems that local communities are using. He commented that the meeting had been extremely productive and he applauded the Pastorinis. Director Dove asked if the board could get the contact for the agency that did the surveillance system in Oakley. The Sheriff responded that he would check out all of them and then let the board know the information he had found. Director Doran stated that he had brought the file that had been put together in 2003 about the cost of having a Sheriff in Discovery Bay from 4:00p.m. to 8:00a.m., 365 days per year. He stated that at that time the Sheriff's Department sent out a survey and approximately 1100 people responded and the response was unfavorable. He stated that he felt it was time to look at this again. He asked the board to allow him to update the information and bring it back to the board at a future meeting. Director Piepho suggested that the board form a Task Force or an Ad Hoc committee to start immediately to work on this issue. He stated that this would be a good time to get the issue of a deputy for just Discovery Bay on the ballot for November. He also suggested that Director Dove and Director Doran lead the Task Force. Treasurer Knight agreed with the idea of a task force and would like to see some sort of surveillance system put into service. President Murphy-Teixeira agreed also. Terry Tonge stated that she was part of the Discovery Bay Sheriff's Advisory Task Force and she suggested that since Dave Dove is also a member of that group and the Ad Hoc Committee that the board uses them. Water MacVittie commented that he had been burglarized years ago and that it is awful, but that the community should keep the emotions in check and use the statistics available. Ray Tetreault commented about the datelines for the election of having an extra Deputy assigned to our community. He commented that the deputy could do other things than just crime, so that it would be an asset in other ways. He stated that he would be happy to work on the Task Force. Jeff Barber commented about the issue of the policing level in Discovery Bay. He asked that the board ask the Board of Supervisors to stop development until the level of policing is brought up to a current standard. An audience member asked if the extra deputy would be a “P” district. Director Doran responded that this would have to go through the voters and LAFCo to have the powers of police services, but that would be part of the process. An audience member commented on no more taxes. Tony Fontenot, of the Neighborhood Watch of the Sheriff's Department came to the podium and reminded the audience about the importance of Neighborhood Watch and that it is something that can be done immediately. Pat Richardson commented that normally the board meeting has only a few people and that the attendance of this meeting shows that people want immediate action. Bob Mankin commented that Discovery Bay West is being taxed already for Sheriff's services that they are not receiving and another tax would not go over well there. An audience member commented that he was surprised to find out that the police level has

not grown even though Discovery Bay is now three times larger than it was which makes it like a two thirds reduction in police services. He also commented that our taxes have not remained the same. He stated that he thought that the board should not just look past the responsibility of the county to support our police services with the monies we are already giving in taxes. An audience member commented that he was shocked to find out that there were several incidences against children, such as stalking. He stated that this is an issue that we need to move on quickly, not only for the invasion of our homes and vehicles, but for the safety of our children. An audience member commented that she is in favor of the cameras, even if they only solve one crime, they are a deterrent. She asked that there be a time limit on this issue and that it not get bogged down in bureaucracy and get back to those people that want to donate to the cameras and let them know where the project stands. An audience member asked about the current coverage of the Sheriffs in Discovery Bay. The Sheriff relayed that there was approximately one Deputy on call in Discovery Bay overall. Director Dove asked if he could get phone numbers from people and get together with Director Doran and use some of the existing programs, that they can do all the research, get the information and bring it back to the board so we can get this done. Vice-President Doran commented that there use to be a Resident Deputy in Discovery Bay, he came out and went mostly to the schools and watched the kids. He stated that this deputy did all kinds of functions with the kids and that that is the type of thing you get when you have a full deputy here all the time. Director Piepho commented that when he started on the board he found that the coverage by the Sheriff's Department had stayed the same and he thinks that the community should go to the meetings of the Board of Supervisors and voice their concerns for where our tax dollars go for police services. He also commented that the Sheriff is an elected official and that he is in charge of where the funds for the Sheriff's Department are distributed. He also thanked the Pastorinis about their efforts on the behalf of the community; he also thanked Lieutenant Burton and Anthony Fontenot for their commitment. He further commented that the current funds that the CSD receives are assigned to the board to take care of the Water and Sewer services and the Landscaping services, any other services would have to go on the ballot and be approved by the community and another assessment would have to be made to cover the new services. He commented that the board being a government agency has to follow the appropriate steps to do these things and they can be done, but that is the system that we have. He asked that the board take this on with urgency. President Murphy-Teixeira commented that she would like to see this move forward quickly. Legal counsel suggested that the board make a "motion to establish an Ad Hoc Committee to explore various Crime Prevention options, name the two people, name one of them the Chair, authorize them to use District facilities, authorize them to seek legal advise from either him or the county counsel or anybody else they choose, authorize them to establish their own methods of soliciting members from the community and direct them to report back to you at the next and each subsequent meeting on the progress." Director Piepho made the motion suggested by counsel with the addendum to name Dave Dove as chair of the committee. Treasurer Knight 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (5 ayes, 0 no, 0 abstain)

4. **Presentation, Discuss and Action on Datamatic Water Metering System (Koehne)** General Manager Koehne stated that he was bringing this item back to the board. He stated that the previous time he had talked to the board about this item the system was from another company and that they would need to have a tower to read the meters and that tower would need to be 40 to 45 feet high, but based on some reading it was found that the one tower would not be able to reach all of Discovery Bay and additional towers would be needed at additional expense. He presented the board with some costs and then introduced the people from Datamatic, they then made their presentation. The Datamatic system is a mesh type system where the meters relay the readings through each other instead of needing towers. General Manager Koehne stated that he feels this is a better system and would like to stop the purchase order he currently has for the previous system and go ahead with the Datamatic System if approved by the board. Director Piepho made a motion to authorize staff to go out to bid and to bring back to the board at the next meeting how much of the previously authorized purchase order is recoverable, if not all of it. Legal counsel requested an addition to the motion that if it turns out upon research that this is in fact a sole source product the board will wave putting out notices in the newspaper. Director Piepho motioned to add legal counsel's request to the motion. Vice-President Doran 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (5 ayes, 0 no, 0 abstain)
5. **Discuss and Comment about Notice of Preparation of Environmental Impact Report (EIR) for Phase 2 & 3 of Diablo Water District's Well Utilization Project (Koehne)** General Manager Koehne

explained to the board that this Notice of Preparation had been sent to the district for comment. He stated that staff has only one comment and that would be Diablo Water District will probably be tapping into the same Aquifer that we use and if it should have an effect on our production they should cease. Treasurer Knight: No comment. Director Piepho: Agreed with staff. Vice-President Doran: Agreed with staff. Director Dove: Agreed with staff. There were no further comments.

6. **Discuss and Approve Using Capital funds to make urgent repairs to Well #2 (Koehne)** General Manager Koehne commented that last year there had been failure of two (2) wells so he had asked our water engineers to come in and look at all four (4) wells to see if any would be a particular problem. He stated that the one that had failed they were never able to find out why. He commented that the engineers would like him to refurbish the well that had failed, that cannot be done until the Fall, but Well #2 could be refurbished now. Director Piepho asked where the funds are going to be from. General Manager Koehne replied that the funds would be coming from reserves. Director Piepho stated that he would like to have a contingency fund in the next budget for these large emergency repairs. General Manger Koehne commented that there had been a contingency account in the previous budget and it was removed because it was too vague, but it can be added back if the board wishes. Vice-President Doran made a motion to approved using capital funds to make emergency repairs to Well #2. Director Dove 2<sup>nd</sup> the motion. General Manager Koehne asked that the motion be amended to have a cap of \$50,000.00. Vice-President Doran amended his motion. Director Dove 2<sup>nd</sup> the amendment. There were no further comments. The motion passed. (5 ayes, 0 no, 0 abstain)
7. **Discuss and Possible Action on Audio / Visual Upgrades for Board Meetings (Koehne)** General Manager Koehne stated that this is an item that the board had asked staff to look into. He stated that staff's proposal would be to put the drop down screen on the wall behind the podium and a ceiling mounted projector with the cable coming into the pillar by General Manager Koehne's seat to access a laptop for presentations. He asked if that would be acceptable to the board. He stated that the cost would be approximately \$1,800.00. There were several comments about the current microphones, and Director Piepho asked that that be worked on. The board was acceptable with staff's suggestion for the Audio / Visual upgrades.
8. **Discuss and Approve Lowest Responsible Bidder for 2-year Landscape Maintenance Contract for District #8 (Reed)** Landscape Manager Reed presented to the board that staff had received all bids for the 2-year Landscape Maintenance Contract for Landscape District #8 and that Valley Crest was the lowest responsive bidder. Director Dove asked about the quality of the work that Valley Crest was doing at this time. Landscape Manager Reed commented that he has found Valley Crest to be pro active, and that they are better than a lot of companies that he had worked with in the past, based on their price. Treasurer Knight asked if all bids were based on the same work to be provided. Landscape Manager Reed replied that they all bid on the same scope of work. General Manager Koehne stated that staff and legal are working on a liquidation damage clause to be put in the contract. Director Piepho motioned to accept the lowest bid which is Valley Crest and that they moved ahead with the amendments to the contract. Vice-President Doran 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (4 ayes, 1 no, 0 abstain)
9. **Discuss and Possible Action to Construct minor bypass pipeline work at Plant #2 (Koehne)** General Manager Koehne explained that this would give the wastewater system some redundancy in case of a breakdown in the system. He asked the board if the project should be done this year based on the cost or if the board would like to wait until the next fiscal year. Director Dove asked about splitting the project up some way. General Manager Koehne and the board discussed the possible ways to split up the project or doing the entire project. Director Piepho motioned to authorize staff to go out to bid on this project. Vice-President Doran 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (5 ayes, 0 no, 0 abstain)
10. **Discuss and Approve Purchase of a Master Irrigation Control System (Reed)** Landscape Manager Reed presented to the board for approval the purchase of the Evolution Master Irrigation Control System. The system is manufactured by Rainmaster Control, John Deere Landscape and Green Tech division are the only ones that handle this in California. He explained that this system would make it so that the irrigation in the district would be run by a computer system. It would be able to compensate for wind and rain and other things, saving on water usage. This system would be run by one computer. Treasurer Knight made a motion to approval the purchase of the Evolution Master Irrigation Control System not to exceed \$16,500.00. Director Piepho 2<sup>nd</sup> the motion. There were no further comments.

The motion passed. (5 ayes, 0 no, 0 abstain)

- 11. Discuss and Approve Resolution NO. 2008-01 for Amending District's Policy on Retention & Destruction of Open Meeting Recording Tapes (Legal)** Legal Counsel stated that the district had previously adopted a record retention policy which refers to Government Code 30590, there is also a specific section in the Brown Act that states that tapes can be destroyed after 30 days notwithstanding 30590. He stated that since there had been concerns by citizens that this was too quick of time, and that there is no time to look at the tapes and not enough time to acquire them. He stated that legal counsel is recommending 90 days, but that the board can select a time that they wish. Treasurer Knight stated that she felt that 90 days was not enough and that she would like to see it be one year and possibly two years. Director Piepho stated that he agreed and that he would like to see the ordinance changed to reflect 365 days. Director Dove agreed. Vice-President Doran agreed. President Murphy-Teixeira agreed. Legal counsel requested a motion to approve resolution No. 2008-01 with the amendment of 90 days to be 365 days and it will be retyped for signature if that passes. Director Piepho made the motion requested by legal counsel. Director Dove 2<sup>nd</sup> the motion. An audience member asked that the tapes be kept indefinitely. An audience member asked that the board maintain the tapes for two years. An audience member commented that the tapes are only being kept as a chess game and that any member of the community can buy a copy of the tape. An audience member asked if it was illegal to tape the meeting yourself. The response was that it was fine to tape the meetings for yourself. An audience member asked that the meeting be put on the website. General Manager Koehne asked that the resolution be adapted to include other types of media that can be used to record the meetings. He stated that staff is currently looking into other ways to record due to problems we have had with the small tapes. Legal counsel stated that there is an extraordinarily throughout definition in the Public Records act and he will put that in the resolution. There were no further comments. The motion passed. (4 ayes, 1 no, 0 abstain)
- 12. Discuss and Establish Date/s for Next District Workshop Meeting (Koehne)** General Manager Koehne stated that he brings this to the board to ask the board to look at their schedules and let staff know what dates would be available for each of the directors and then decide on a date for a workshop. February was suggested.

**E. CHAIR REPORT**

None

**F. DIRECTORS' COMMENTS**

Director Dove: He commented that he thinks it is good that they are going to have a workshop to start setting goals and objectives for the New Year. He commented that when he went to the All Mac Meeting they had goals and objectives for their year and he wanted the board to look at those also because the board is also the Discovery Bay MAC, to be sure that they overlap properly.

Director Doran: He reported on the levee issues in the State, and that the Natomas in Sacramento has been declared the worst possible place to be and they are stopping construction in the area. He reported that with the levee issue has come an edict regarding flood insurance. He also reported that Orange County is now reclaiming all their sewer water by reverse osmosis. He reported that the Los Angeles Police Department has had cameras around one of the parks and they are expensive and hard to maintain, since they have started failing their crime rate is back up and they do not have any way to pay for them.

Treasurer Knight: She commented about the landscaping areas that can be worked on. General Manager Koehne stated that that was scheduled for the February 6, 2008 meeting.

Director Piepho: He commented that the agenda was missing future agenda items. He commented that he would like to look at the minutes from last year to see what has been accomplished. He commented about the Ad-Hoc committee put together and looking at the long range maintenance cost of the cameras. He commented that there had been a letter recently about LAFCo being a planning agency and he wished to clarify that LAFCo plans government services, not land use planning. He commented that our district website needs to be worked on and possibly have someone maintaining it more closely to be sure that it is fully functioning all the time. He commented that the newsletter is still being worked on and should be coming out soon. He commented they are working on the meeting guide, which will be coming out soon also. He commented about having a presentation on Community Planning.

**G. GENERAL MANAGER REPORT**

General Manager Koehne commented that he had a sonar device that he wanted to show the directors. This device has a chain on one end and a sonar device with a very strong magnet on the other which is lowered into the manholes to the valves that are used to turn the water on and off. When lowered into the manhole the magnet keeps it on the valve. Staff then puts another device in the next manhole for the water system. These two sonar devices will measure water leaks between the first and second unit. When the devices are in place staff can drive by and read the measurements with a handheld computer and it can tell staff if it is picking up any leaks. He commented that they will use these primarily to check for underwater leaks in the pipes that run through the bays. He reported that a monthly item that they keep track of is the copper levels and he reported that as of July 2006 the facilities have not exceeded the copper levels. He commented on community policing, that this morning there was an example of it. He reported that a vehicle hit the sound wall about 12:30 am and left the scene. He reported that a neighbor heard the noise and got a description of the vehicle and told the homeowner later in the day. The homeowner had called staff in the morning of the accident and with the information from the neighbor staff called CHP and asked them to talk to the vehicle owner or do a hit and run report. The CHP talked to the vehicle owner and they are being given until Saturday to take care of the damages. He then reported that the previous weekend there had been a major water leak in Discovery Bay West during the storm. They found that a clamp on a pipe had broken loose.

\*\* Director Piepho stated that he had left two items off when he was doing his comments and felt they were important. One item was about the flooding on Discovery Bay Boulevard. He stated that he had sent multiple letters to the county and to public works stating that the Boulevard is the county's responsibility and it needs to be taken care of, it is a hazard. General Manager Koehne explained the ownership of the pipe that causes the flooding and how the flooding occurs. He reported that the Golf Course Homeowners Association has replaced their section of pipe that had collapsed. Director Piepho commented that staff needs to stay on top of this issue because it is the county's responsibility to keep that road cleared. The second item was that Zone 57, also known as the Centex Development, and a few other landscape districts had been approved by LAFCo to be brought under the Community Services District umbrella.

**H. LEGAL COUNSEL REPORT**

Legal Counsel reported that he had given each board member the 2008 version of the Brown Act Booklet. He stated that there were only two changes to the Brown Act this year, neither being major. He reported that one change would start July 1, 2008 and it was that on the agendas there has to be a statement that says the address of where you can go to get public records. He reported that the other was a technical issue on the enforcement sections.

**I. CORRESPONDENCE**

1. R – Highway 4 Bypass Meeting Minutes of November 8, 2007 & December 13, 2007
2. R – Joint Meeting Minutes of Transplan, East Contra Costa Regional Fee & Financing Authority, Hwy 4 Bypass and eBART Partnership Policy Advisory Committee's of November 8, 2007
3. R – Aviation Advisory Committee Meeting Minutes of October 16, 2007
4. R – Transplan Committee Meeting Minutes of December 13, 2007
5. R – Building Communities Implementation Meeting Agenda for January 26, 2008
6. R – Let from House of Representative Jerry McNerney re: H.R. 2550 – December 14, 2007
7. R – Letter from CCC re: Receipt of Appeal from Lakeshore HOA & Shanon Stellini of Development Plan #DP063073 – November 27, 2007
8. R – Letter from CCC re: Receipt of Appeal from Hofmann Land Development on SD069160 & DP063083 – November 27, 2007
9. S – Letter to CCC re: Correction & revision of comments for DP063022 – Delta Community Presbyterian Church – December 3, 2007

**J. ADJOURNMENT**

The meeting was adjourned at 10:19 to the next Regular meeting of February 6, 2008.

LH 1/30/08



# TOWN OF DISCOVERY BAY CSD

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## Board Members

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Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

**February 6, 2008**

**1800 Willow Lake Road, Discovery Bay, California**

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

**Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)**

### **A. ROLL CALL**

1. President Shannon Murphy-Teixeira called the meeting to order at 7:00p.m. All directors were present.
2. Liz Hardy led in the Pledge of Allegiance

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

Jeff Barber commented on a letter he had sent to the board on January 1, 2008 that contained suggestions he would like to see take place in the new year. He also commented about an article in the newspaper on the new board president. He asked that the board respond to his letter of January 1, 2008. Greta Galindo with the Contra Costa County Library reported on the progress of the Library Book Lending Machine. She stated that they had met with Supervisor Piepho and the property manager of the Sandy Cove Shopping Center and they have not come to a final decision of where in the shopping center to place the machine, they are looking at next to Straw Hat Pizza. She stated that the machine will be coming in March 2008 and should be installed in April 2008. Gina Flint spoke about Measure C, which is a bond measure that was passed in June of 2006; it is a school bond measure. She stated that she is a member of the Citizens Oversight Committee for the measure and it is their job to inform the public of how the district is doing managing the Bond measure. She stated that they issued their report last month in the Delta Sun Times. She stated that there had been an independent audit done on both the performance and the financial perspective of the bond measure and the district passed with flying colors. She gave the board a copy of the report; it is on file at the District Office. Walter MacVittie gave his report of East County Regional Planning Commission; the next Monday's meeting has been cancelled. He then reported that the Trans Plan meeting is scheduled for February 14, 2008 and he has no agenda at this time. Heather Pastorini reported about the Ad-Hoc meeting on the Security, Discovery Bay Alert. They are moving forward with looking at bids from companies for the security system. She reported that her husband has a website called DiscoveryBayAlert.com and it is sending out notifications to members, which is now approximately 500 people, about crimes in the community. She reported that they are now working with the Lions Club of Discovery Bay and the Lions will be receiving and managing the funds as a tax deductible donation. President Murphy-Teixeira asked about putting a link on our website to their website. Ms. Pastorini stated that they would be happy to do that. Don Flint asked the board to help him find information about the amount of tax revenue, with regards to the Sheriff's Department and staffing of

Discovery Bay. The board stated that they would agendize this to be able to discuss it. Bob Mankin stated that in Lakeshore they are a "P" District and they pay approximately \$200.00 per year on their tax bill for enhanced police services, which actually go into the General Fund and are at the discretion of the Sheriff's Department as to where they are used. Walter MacVittie reported that there was an appeal about the Lakeshore-The Lakes Gate to the Board of Supervisors that was heard and the original ruling of the East County Regional Planning Committee was upheld. The ruling states that there will be a gate for vehicular traffic, but not for pedestrian traffic.

**C. AREA AGENCIES REPORTS / PRESENTATION**

**1. DEPUTY SHERIFF /MARINE PATROL REPORT**

Deputy Sheriff Mike Burton gave his report for the month of January 2008. The report is on file in the District Office. He reported about several seizure and arrests of marijuana growing and one illegal drug laboratory. He asked that the community be aware of suspicious actions in houses that are vacant and that they report it to the Sheriff's Department. Director Piepho asked that the board put the issue of the Sheriff's staffing on the agenda for the end of the month and asked if the Deputy Sheriff would be able to attend. He stated he would.

Lieutenant Will Duke gave the Marine Patrol report for the month of January 2008. He reported that this time of year they spend a lot of time on education for water craft owners. There are boating booklets on displayed at the District Office.

**2. CHP REPORT**

Officer Tom McGuire introduced himself and gave a report for the month of January 2008. He stated that if there were any specific complaints to call their office at 925/646-4980. He reported that if you want to contact the CHP on your cell phone call 1-800-TELL-CHP. For emergencies call 911.

**3. FIRE DISTRICT REPORT**

No one in attendance.

**4. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT**

Karyn from Supervisor Piepho's office reported that the County has placed a freeze on hiring and has asked department heads to trim 3% from their budgets for 2008/2009 due to the State's financial issues. She reported that they are working with the Sheriff's Department on the level of crime and protection. She reported they are encouraging local advocacy, neighborhood watch and supporting our local deputies. She reported that their office had raised over \$13,000.00 for the food drive. She reported that Vasco Road is a continued priority for the Supervisor. She reported that there will be a Byron Highway Extension follow-up meeting which is scheduled for February 14, 2008. She reported that the Joint Powers Agreement for the Fire Department is getting closer. She reported the Employment and Human Services Department will be opening their interim facilities this spring; this is part of the efforts to bring County Services to East County. She reported that the Highway 4 By-Pass Segment 1 will open mid-to-late February 2008. She reported that the Highway 4 By-Pass Segment 3 on Marsh Creek Road should switch sides sometime in the next 6 to 8 weeks. The Supervisor had toured the Port of Stockton and she will be meeting with the U.S. Senate and congressional leaders, local leaders to discuss potential infrastructure opportunities, jobs, roads and development of the Byron Airport. They are also working with the City of Brentwood Traffic and local leaders regarding the traffic issue at American Avenue in Brentwood which is at Heritage High School.

**5. STATE ASSEMBLY GUY HOUSTON'S REPORT**

Terry Tonge reported at this point that they are in the middle of putting a lot of bills together and at the next meeting she will have more information about these bills. She reported that most of the time spent in Sacramento right now is on the budget.

**D. DISTRICT FINANCIAL REPORT**

There was no report.

**E. CONSENT CALENDAR**

Director Piepho made a motion to approve the Consent Calendar. Vice-President Doran 2<sup>nd</sup> the motion. There were no comments. The motion passed. (5 ayes, 0 nos, 0 abstain)



**F. NEW BUSINESS FOR BOARD CONSIDERATION**

1. **Presentation by SPG Solar & Solar Power Partners on a Solar System for Wastewater Plant #2, and Possible Action (Koehne)** Dillon Dupre from SPG Solar and Todd Michaels from Solar Power Partners made a presentation about the possibilities of putting Solar Power at the Waste Water Plant #2. General Manager Koehne explained that this plant is the Districts most expensive plant for power usage. The board asked about how big a footprint does the system take up and what kind of rights does the District have on that land during the life of the system. There was discussion about whether or not the system would inhibit the expansion of the plant if that was necessary. There was discussion about the length of the contract and the performance guarantee. The board asked staff for a report on the various issues brought up. Legal commented that he would like to see copies of all the legal documents before any decisions are made. The board asked that staff contact the West County Water Treatment for their feedback on their program.
2. **Discuss and Comment on Draft Letter Requesting Painting of "Speed Limit 25 MPH" on some of Discovery Bay Streets (Koehne)** General Manager Koehne related that he had had a discussion with a resident about the speeding on various main roads in Discovery Bay, it was suggested that maybe painting the speed limit on the roads would help visitors and residents of Discovery Bay remember the speed limits when driving through the community. He presented to the board a draft letter regarding this issue to be sent to Supervisor Mary Piepho. He asked for the boards comments. Director Piepho asked which roads this would apply to. General Manager Koehne explained that the letter is to start the process but that he would work with the County Traffic Engineer to get suggestions as to which roads should have the speeds painted on them, since they are county roads. General Manager Koehne stated that he would bring the results of the study from the traffic engineer back to the board when they are available. Director Piepho made a motion to send the letter to Supervisor Piepho. Director Dove 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (5 ayes, 0 nos, 0 abstain)
3. **Discuss and Comment on Draft Letter Requesting to Add some Enhanced Security Measures Within Discovery Bay (Doran)** Vice-President Doran stated that this is the result of the Ad-Hoc Committee that was formed after the Town's Community Meeting put together by the Pastorinis. He stated that he had gone out with Mr. Pastorini to see where they are thinking of putting surveillance cameras and almost all of the locations are owned by the county. He stated that this letter asks the Board of Supervisors to work with the Pastorinis to direct them to the members of the county necessary for them to move forward with their project of the surveillance system. Director Piepho made a motion to send the letter as written. Director Dove 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (5 ayes, 0 nos, 0 abstain)
4. **Discuss and Approve Resolution 2008-02 to Submit a LAFCo Application to Annex Old River School into the District's Service Boundary Area (Koehne)** General Manager Koehne stated that this is the second part of the annexation of Old River School. Vice-President Doran motioned that they approve Resolution 2008-02. Director Piepho 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (5 ayes, 0 nos, 0 abstain)
5. **Discuss and Possible Action on Proposed Priority Listing of Landscape Capital Improvement Projects (Reed)** Landscape Manager Reed went over the listing of possible Landscape Capital Improvement projects. There was discussion about which to choose in what order. Director Piepho made a motion to direct staff to take on Newport Drive as the first project and Willow Lake Road as the second project. Vice-President Doran 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (5 ayes, 0 nos, 0 abstain)
6. **Discuss and Possible Action for Renewal of Ethics Training for Board Members (Koehne)** General Manager Koehne reported to the board that their ethics training would expire in April of 2008. There was discussion about which options were available, such as seminars, and online classes. Director Piepho made a motion for staff to follow up on this and to invite the other agencies as noted (Reclamation 800, Byron San., the Cemetary District and other local agencies) and that it is hosted here in Discovery Bay. Vice-President Doran 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (5 ayes, 0 nos, 0 abstain)
7. **Discuss and Comment on Development Plan for a Lot Line Adjustment for 5660 & 5670 Beaver Lane (Koehne)** General Manager Koehne stated to the board that Community Development was asking them for comments on the proposed Lot Line Adjustment of 5660 & 5670 Beaver Lane. He reported that

the two properties combined are taxed for water and sewer \$1,460.00 per year, after they are combined it would be a tax of \$824.00 per year with a net loss of \$636.00 per year. Director Piepho commented that the lines showing the adjustment is confusing as to where the adjustment takes place. The decision was to comment that the lot lines need clarification. There were no further comments.

8. **Discuss and Comment on Hiring Temp Person for District Office (Koehne)** General Manager Koehne stated that staff has been inundated with public records requests for the past few months and it is putting the districts day to day jobs behind. He stated that the person that staff is looking to hire will be taking on several special projects as well as helping with the daily work. There was discussion about the requirements of the Public Records Act. Vice-President Doran made a motion to allow the General Manager to go ahead with this position. Treasurer Knight 2<sup>nd</sup> the motion. There were several comments from the audience about the need for the hiring of an extra staff member to reply to the requests for Public Records. Legal responded that this issue has been researched and the Public has the right to make the requests and therefore we are unable to do anything but comply. There were no further comments. The motion passed. (5 ayes, 0 nos, 0 abstain)
9. **Discuss and Approve Purchase of one Portable Video Camera (Koehne)** General Manager Koehne stated to the board that there was a need for this video camera to video the sewer mains. He stated that in order to go into the sewer mains OSHA requires that there are two people on the job, one to suit up and be lowered into the main and one to stay on top to bring the person out in case of an emergency, such as the sewer gases knocking out that person in the main. He was suggesting that the District purchase a video camera that can be lowered into the main to do the job of this person. This camera would be able to look into the sewer main approximately 50 to 100 feet to show leaks or blockage. Director Dove asked if this item was budgeted. General Manager Koehne responded that it is a Capital Improvement budget item. Vice-President Doran motioned to buy the device to video the sewer main not-to-exceed \$15,500.00. Director Dove 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (5 ayes, 0 nos, 0 abstain)
10. **Discuss and Approval Renewal of Contract with HERWIT Engineering as District Engineers (Koehne)** General Manager Koehne stated that this is the annual renewal of Herwit Engineering's contract. He stated that they have been the District's engineers for the District's Wastewater facilities. He also stated that they have helped us on many projects throughout the year and they will be helping us with the NPDES permit. Vice-President Doran stated that they have always been very good. Vice-President Doran made a motion to approve the contract with Herwit Engineering for one year. Director Piepho 2<sup>nd</sup> the motion. Treasurer Knight asked if they had changed their fee schedule. General Manager Koehne stated that they had only gone up a couple of dollars and that we receive an excellent rate from them. There were no further comments. The motion passed. (5 ayes, 0 nos, 0 abstain)
11. **Discuss and Approve District Audit for the 2004-05 Year (Koehne)** General Manager Koehne stated that he was presenting to the board the Draft Audit for the year 2004-05. He commented that the 2005-06 year audit should be available for the board shortly. General Manager Koehne commented that the Management Letter would be included with the 2006-07 audit. Vice-President Doran motioned to approve the Fiscal Statement and Auditor's Report for June 30, 2005. Treasurer Knight 2<sup>nd</sup> the motion. There were no further comments. The motion passed. (5 ayes, 0 nos, 0 abstain)

#### G. COMMITTEE/LIAISON REPORTS

1. **East County Planning Report** Report was given during Public Comment
2. **Trans-Plan Report** Report was given during Public Comment
3. **Code Enforcement Report** Director Piepho reported that he had not attended, nor did Treasurer Knight and that he had turned in the report at the last meeting and that he had turned in some complaints about temporary signage on Highway 4 and those have already been removed.
4. **Rec. 800 Report** Vice-President Doran reported that the meeting would be February 7, 2008
5. **Special Districts Report\*\*** No report
6. **Los Vaqueros Expansion Report** General Manager Koehne stated that on Victoria Island Contra Costa Water District will be constructing a large water intake pump station. He stated that the first phase would be to build a mile long road off of Highway 4. He reported that their bids had opened last week and he stated that the first phase would be about a year and that there will be a lot of truck traffic on Highway 4 from this project.

\*\*These meetings are held Quarterly

**H. DIRECTORS' COMMENTS**

Treasurer Knight had no comment.

Director Piepho commented that on Vasco Road there has been so much improvement that it will be hard to get the grant for CHP again. He reported that this is the first year that there has not been a fatality on Vasco Road since they have been keeping track. He reported that all other statistics have dropped also, but that makes it hard to get the grants. He reported that the First Segment of the Highway 4 By-Pass is getting ready to open.

Vice-President Doran had no comment.

Director Dove had no comment.

President Murphy-Teixeira had no comment.

**I. GENERAL MANAGER'S REPORT**

General Manager Koehne reported that the Regional Water Board had revised the civil fines for the District. He stated that they had originally fined the District \$87,000.00 in March of 2007; staff replied that they did not agree with the findings and it was reduced to \$66,000.00. He stated that the current findings have been reviewed and that staff thinks it can be reduced further to approximately \$52,000.00. He stated that these fines started in 2004 and go through November 2007. He reported that he had received 203 applications for the Water Service Worker position. He stated that he had read all applications and has narrowed them down to 10 possible candidates. He stated that there had been a couple of water leaks and also some electrical issues with Variable Frequency Drive units that he is taking up with PG&E.

\*\* No legal report.

**J. CORRESPONDENCE RECEIVED & SENT**

1. R – CHP 2007-year Vasco Road Collisions Report – January 28, 2008
2. R – Letter from Fire District on Governance & Acting Fire Chief Appointment – January 11, 2008
3. S – Letter on Comments for Diablo Water District's EIR – January 23, 2008

**K. FUTURE AGENDA ITEMS**

Director Piepho stated that he would like to talk about the website. General Manager Koehne asked if that item could be on the agenda for the workshop. Director Piepho stated that would be fine. Director Piepho commented that he would like to see an update from the Sheriff's Department about how their department works on staffing, etc.

**L. ADJOURNMENT**

The meeting was adjourned at 9:58 to the next Regular meeting on February 20, 2008.

LH 2/13/08



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

**February 20, 2008**

**1800 Willow Lake Road, Discovery Bay, California**

**Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)**

### **SPECIAL MEETING at 6:00p.m.**

#### **A. CLOSED SESSION: GOVERNMENT CODE § 54956.9(a)**

William Richardson v. Town of Discovery Bay Community Services District et al  
Contra Costa County Superior Court Case NO. C07-00909

- B. Report on Closed Session** -The Board met in closed session, pursuant to Government Code section 54956.9(a), concerning the case of William Richardson v. Town of Discovery Bay Community Services District et al, Contra Costa County Superior Court Case no. C07-00909. Upon return to open session, it was announced that no reportable action was taken.

### **REGULAR MEETING at 7:00p.m.**

#### **A. ROLL CALL**

1. The meeting was called to order at 7:00p.m. All directors were present.
2. President Murphy-Teixeira led in the Pledge of Allegiance.

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

Jeff Barber commented about the amount of foreclosures in Discovery Bay, he passed out a page with information from Foreclosure Radar, a Discovery Bay company. He also commented about a letter he had given to the board in January 2008 and asked for a response to that letter. Lowell Thomas commented that he was concerned about the level of Police and Fire protection for Discovery Bay; he asked the board to ask the Board of Supervisor to place a moratorium on building in Discovery Bay. Don Flint gave the Board a chart he had developed to show the tax revenue of Discovery Bay in relation to the Fire and Police services. He commented that he was not in favor of any more building in Discovery Bay. Michael Greggans commented about speeding on Riverlake Road and the noise from grass blowers.

#### **C. CONSENT CALENDAR**

Vice-President Doran motioned to approve the Consent Calendar. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

#### **D. CHAIR REPORT**

No report

**E. DIRECTORS' COMMENTS**

Director Dove asked if the board could do a memo or letter about how the residents feel about building in Discovery Bay, he would like to see this put on the agenda for discussion.

Vice-President Doran – no comment

Treasurer Knight commented that she had used the new bypass section and that it had been amazing.

Director Piepho – no comment.

**F. REQUEST FOR BOARD CONSIDERATION**

1. **Presentation on A Proposed New Development on 20-acres between Newport Drive and Bixler Road (Koehne)** Bill Schrader with the Austin Group stated that they had purchased twenty acres at the corner of Newport Lane and Bixler approximately 1 year ago and he presented a drawing showing a potential development of homes, with 6 acres of recreated wetlands, and a dog park for the community. He stated that he brought it to present to the Discovery Bay Board to see what their feeling was on the project. Director Dove asked if the Town had sewer and water capacity for this project. General Manager Koehne responded that the Town did not at this time. Treasurer Knight asked what would be the plan for this project. General Manager Koehne responded that the Town would have to do an expansion in order to accommodate this project. Vice-President Doran had no comment. Director Piepho commented that this land is zoned Marginal Ag, he also commented that the property is next to the Newport Water Treatment Plant and he would worry about the noise. Resident Cindi Allen commented that she was not opposed to growth if there was comparable growth in the infrastructure. She commented that she felt all growth should be stopped until the level of Fire and Police services is raised. Director Piepho gave an explanation about how the process works with respect to the Town of Discovery Bay being an advisory board only and also about how he understands the funds are allocated to the Sheriff and Fire services from the taxes. Sandra Rogers with the Coalition for Responsible Growth commented that she felt it was imperative that the coalition let the Board know that with respect to any proposed growth in Discovery Bay that they are opposed until all of the services and infrastructure are brought up to a level that is relative to the current population in Discovery Bay. Michael Greggans commented that he would be opposed to any more growth in Discovery Bay. Jeff Barber commented that the Town Board needs to take leadership on this issue and say that the residents do not want anymore development and that the Town needs more Police and Fire Services. Steve Cohen commented about the issue of building more homes when there are so many homes in foreclosure and that there are already new homes that have not been sold in the Discovery Bay West area.
2. **Presentation by Sensus regarding: Water Meter Reading System (Koehne)** General Manager Koehne introduced Ron Henry with Golden State Flow Measurement who would be making the presentation. Mr. Henry passed out a packet to the Board regarding his product, Flex Net by Sensus and made his presentation.
3. **Discuss and Possible Action on Selection of Water Meter Reading System (Koehne)** General Manager Koehne stated that last meeting he had had Datamatics present their water meter reading system and tonight he had had Sensus Brand present their Water Meter reading system. He would like to get direction from the board about which system they would like staff to proceed with. The board asked staff to present to the Board a report that shows what would best serve the Districts needs of each system so that the Board could make a decision. President Murphy-Teixeira asked that staff call the referrals given by the companies. A resident commented about the height restrictions of the county with respect to the antenna that would be used by the Sensus system. He also commented about the use of this technology versus the use of personnel to read the meters. General Manager Koehne responded that the height of the antenna would be under the required height and that the District is looking for the most cost effective solution for reading the meters. A resident commented about the security of the software, the supplier responded that the system was secure and explained how.
4. **Discuss and Approve Agreement for Acquisition of Utility & Construction Easement & Grant Easement Deed – Lakes (Koehne)** General Manager Koehne explained that this easement was needed to be able to provide services to the Old River Elementary School. He further explained that this piece of property is owned by Hofmann Land Development Company. He explained that there was no cost to the District involved with the acquisition of this easement and that legal had also reviewed this document. Director Piepho made a motion to approve the easement agreement. Vice-President Doran

2<sup>nd</sup> the motion. Director Piepho revised his motion to state in accordance with agenda item F4. Vice-President Doran amended his 2<sup>nd</sup>. There were no further comments. The motion passed. (5 ayes, 0 nos, 0 abstain)

**G. LANDSCAPE MANAGER'S REPORT**

Landscape Manager Reed reported that there had been damage from vandals at Cornell Park. He reported that Reclamation 800 had been doing testing in some of the landscape areas that are also levees. He reported that staff is preparing the bid documents for the work on Willow Lake Road, but that he was waiting to hear back from the county about their plans for the sidewalk also to be put in that area. He commented that he would like to check into the possibility of painting the sound wall on Newport; he commented that there may be some legal issues. He commented that he would like to possibly have this item put on a future agenda for board discussion. He reported that he was in the process of preparing bid documents for Zone 35, 57, 61 and the Park and Ride for transition to the Town of Discovery Bay on July 1, 2008. Director Dove asked about the budgeted amount of \$15,000.00 for Well Site Maintenance and if there had been any landscaping done on those sights or if there was any planned in the future. General Manager Koehne explained that those funds were for Lift Stations and that at this time due to work load they had not been done. Landscape Manager Reed reported that they had done one Lift Station at the Centex Development in Discovery Bay Southwest.

**H. GENERAL MANAGER REPORT**

General Manager Koehne commented that he was looking to make a decision on the Water Service Worker position by Friday. He reported that there had been a water leak that was in a water meter box in a concrete driveway and they would be repairing that at the end of the week weather permitting. He reported that the Town had changed cellular service provider and that with this provider the Town has received ten (10) emergency phones that will only be used for an emergency and are at no cost until they are actually in use. He stated that they will be working out the logistics and procedures for these phones.

**I. LEGAL COUNSEL REPORT**

No report.

**J. CORRESPONDENCE**

1. R – CCC Aviation Advisory Committee Meeting Minutes for November 20, 2007
2. R – State Route 4 Bypass Authority Meeting Minutes for December 13, 2007
3. R – Transplan Committee Meeting Minutes for January 10, 2008
4. R – State Route 4 Bypass Authority Meeting Minutes for January 10, 2008
5. R – CCC Aviation Advisory Committee Meeting Draft Minutes for January 15, 2008
6. R – Letter to Sheriff Rupf from Supervisor Piepho dated January 28, 2008
7. R – Bay Area Air Quality Mgmt District regarding Public Workshop-Draft Amendments to Regulation 3 Fees dated January 31, 2008
8. R – LAFCo Announcement of Upcoming Special District Vacancy on LAFCo and Call for Nominations dated February 1, 2008
9. S – Letter to Supervisor Piepho regarding Speed Limit 25 MPH Markings on DB Streets dated February 8, 2008
10. S – Letter to Supervisor Piepho regarding Request for Meeting with Supervisor & County Agencies dated February 8, 2008

**K. FUTURE AGENDA ITEMS**

Director Dove asked that the board discuss Jeff Barber's comments as a future agenda item with regards to controlled growth in Discovery Bay.

**L. ADJOURNMENT**

The meeting was adjourned at 9:05 pm to the Special Workshop meeting of February 24, 2008 starting at 9:00a.m.

Lh 2/25/08



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## **Board Members**

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

**MINUTES OF A SPECIAL WORKSHOP MEETING  
OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY CSD  
Sunday, February 24, 2008  
1800 Willow Lake Road  
DISCOVERY BAY, CALIFORNIA  
MEETING 9:00 a.m.**

## **WORKSHOP MEETING**

### **A. ROLL CALL**

President Murphy-Teixeira called the meeting to order. Directors Dove and Piepho were not present.

### **B. PUBLIC COMMENTS**

Michael Greggans commented on the issue of a possible antenna for the water meter reading system. He stated that he felt it would be an eye sore. He also commented about the issue of a noise he hears at the Water Treatment Plant.

### **C. WORKSHOP ONLY**

- 1. Discuss and Review Last Years Workshop Topics (all) (20-mins)** General Manager Koehne reviewed the workshop items discussed in workshops during the previous year. One item was the Director's Handbook and any new items that the Directors might like to add. It was commented that the Handbook is a live document and it can be continuously updated. Another item was the Mission Statement and Objectives for the District. It was commented that that had been put on the website. Other items were Review and Direction of Staff Duties and Responsibilities, Discuss and Prioritization of the top 5 District Projects, Discussion of Board Ethics, CSD Facility Improvements, and Board views of Solar Power, Future Staffing, Water Conservation Program, District Budget Overruns, and the District's Tenth Year Anniversary. There was discussion about the items that were still open or in progress.
- 2. District's Web site and Future of Web site. (Knight) (25-mins)** Treasurer Knight commented that this item was brought up to discuss who would maintain the website. She stated that it had taken a lot of work to get the website up and running and stated she did not wish to be the webmaster. General Manager Koehne stated that they may want to find a local webmaster and maintain the data closer than where it is now. He commented that with the District having to read and bill the water meters that the District may want to have a server of its own for that and possibly the website data as well. There was discussion about who could possibly maintain the website. Director Doran commented that there are a lot of things that they would like to have on the website but there is the factor of cost. President Murphy-Teixeira asked if anyone had checked with other Districts about how they handle their websites. General Manager Koehne commented that he feels there might be a resident that would be

- computer savvy and possibly be able to help. President Murphy-Teixeira commented they need to get the website set because if they want to video tape the meetings in the future the site needs to be able to handle these types of things. General Manager Koehne stated he would bring this back to the board for discussion at a future meeting. There were suggestions from the audience about how to upgrade the website, such as blog entries, wi-fi, advertising in the community for someone to help with the website, and having the information about elections.
3. **Discuss District Newsletter & Meeting Guide (Piepho) (10-mins)** General Manager Koehne stated that he and Director Piepho had gotten most of the newsletter together and that the newsletter would come out twice a year, one would be the annual Water Consumer Report and then the regular newsletter. He commented that the meeting guide would be a two or two and one half page booklet talking about how meetings are run for residents to pick up on the back table when they attend. He commented that they had gotten a sample from the City of San Ramon and are modifying it to meet the Districts needs. An audience member commented that the newsletters and brochure should be on a less expensive paper and recyclable. He also suggested that twice a year was not enough communication.
  4. **Discuss Meeting Layout (Piepho) (15-mins)** President Murphy-Teixeira commented that this was actually an item that she wanted to discuss. She asked that if there is to be a presentation that it not be put on the same meeting as the meeting with all the reports from the Sheriff and the CHP. She felt that the audience is not staying because of the length of time of the meetings. She stated that if there was something that had to go on the agenda with the other reports then it has to be done, but in general she would like to give the presenter the ability to present their issue without waiting through all the reports and also not make the meetings so long for the community since we have so many that commute long distance in the morning. She also asked for more consistency in the meetings with respect to the public comments. She stated that she would like a Public Comment Card for every time an audience member comes up to the podium and speaks. There was discussion about how to advise the audience of the procedure of having to fill out a public comment card. There was discussion about having the consistency of always having the speaker come to the podium to comment. There was discussion about only having one comment per speaker per item. An audience member commented that perhaps during the reports allowing the audience to ask the reporter questions without having to come to the podium or fill out a comment card. He also commented that he would like to have the board notify the community about topics more than a few days in advance of the meeting maybe by putting them on the agenda as future agenda items. President Murphy-Teixeira commented that if there is an item that they know will be important to the community that it be placed early in the agenda. There was further discussion about putting future agenda items on the agenda to notify the community of things coming up in the near future. There was discussion about the position of the podium and having the audience line up as they wait to speak. There was discussion about the timing of the speakers. General Manager Koehne stated he would bring back to the board the timers available.
  5. **Discuss Next Steps on Solar Project (Knight) (15-mins)** Treasurer Knight commented that she did not feel that they had all the information they needed to make a decision on the Solar Project. She commented that she would like to have everyone agreed on what needs to be answered by the presenter on the Solar Project at the time they are presenting so that they don't have to bring them back several times to get all their answers in order to make a decision. General Manager Koehne explained that the presenter was just making a proposal for something that they would like to present a bid on to see if the District would be interested and that there would be another company giving their presentation. Treasurer Knight stated that she would like to have the questions tracked so that they can agree on the decision criteria. An audience member commented that he would build a fact sheet from where the District is at this point to where they want to be in the future with the presentation information added into the fact sheet so that the board can make a decision.
  6. **Discuss Fire Protection for Discovery Bay (Dove) (15-mins)** Director Doran commented that the new Fire Protection District should be together in about seven more months. He stated that it would be a Joint Powers Authority. He stated that Brentwood and Oakley want to be the major parties on the Board. He explained the history of how it got to this point. There was discussion about the possible changes to the Fire District when this takes effect, such as three man engines, or paramedics on the engine or possible tax increases to subsidize the improvements. Director Doran commented that he felt they would need to go to the voters and impose a tax because there is the same amount of money



- that there has been for years. There was discussion about how the Board members are selected for this Fire Protection District. There was discussion about getting the Fire Chief to come to a meeting. An audience member commented that they felt that the Supervisor's office should come to a meeting with answers to the questions that the Board wants to ask. General Manager Koehne stated he would research who would be the correct people to bring in. President Murphy-Teixeira commented that it could be a special meeting. There was further discussion about the Fire Protection District.
7. **Discuss Water Meter Project (Koehne) (20 -mins)** General Manager Koehne gave an update of the ongoing Water Meter Project. He explained that the new Water Service Worker had been hired and that staff was looking at deciding between the two water meter vendors and their meter reading systems. He reported that we have the water meter billing software and will be training on that. He reported that he felt that the District is still on target to get 1400 to 1500 homes that currently have water meters on this system and being billed by January 1, 2010.
  8. **Discuss Bio-Solids, Where are we now? (Koehne) (10-mins)** General Manager Koehne reported that there has been testing of the sludge coming from the Solar Drying Beds. He reported that the samples had been contaminated by the handling and they are working on that issue to get pure samples. He reported that they are taking those samples to prove to the EPA that the material coming out of the Solar Drying Beds is okay. He commented that having to outsource the work to ECO Resources there is a problem with the turn over and having to retrain new people on how the system works in Discovery Bay. Treasurer Knight asked what was happening with the material from the Bio-Solids currently. General Manager Koehne explained that it is being stored behind the buildings currently. He commented that he has to keep an audit trail where the material goes and until it has been approved by the EPA he does not want to have to deal with that paperwork. He stated that they would eventually like to ask the local Farmers to use the material for a test once it has been approved to be Class A fertilizer and that it will be approved for use on food crops. Treasurer Knight asked about the demonstration garden. General Manager Koehne replied that it had not been done yet due to time constraints and waiting for the EPA approval. He commented that five other cities are now putting in Solar Drying Beds like ours.
  9. **Discuss and Review 2007-2008 Capital Projects (Koehne) (20-mins)** General Manager Koehne reported that the District had planned to spend almost \$300,000.00 on various projects. He reviewed the progress of several of the projects, i.e. the Belt Press and the Vac Truck purchase.
  10. **Discuss Community Center (Doran) (15-mins)** Director Doran commented that the committee is still waiting for the results of the legal issue of the MTBE on the property on the corner of Discovery Bay Boulevard and Sand Point Road. Treasurer Knight asked when the District expects legal to have some sort of response regarding the MTBE liability to the District. General Manager Koehne responded that legal is looking at other examples of legal liability of building that has been done on other areas that had MTBE. He also reported that they are asking the District's insurance carrier for their opinion on the issue and possible insurance costs due to the MTBE's on the property. General Manager Koehne also commented that the committee is discussing the issue of the possibility having to go out to a vote of the residents for an assessment to fund the Community Center's operating expenses after it is built. He commented that the committee is working on doing a survey to ask the community how they would feel about an assessment and what amenities they would want at the Community Center. There was discussion about the pros and cons of each parcel on the property. General Manager Koehne explained that the results will be brought back to the Community Center Committee and then back to the Board. Treasurer Knight asked if there is any idea about when the result will be back from legal and the insurance carrier. General Manager Koehne responded that they are trying to move this along in case they need to go to the voters for funding.
  11. **Discuss Possible Future Staffing (Koehne) (10-Mins)** General Manager Koehne commented that possibly in July or August he would like bring a future staff member for Water and Wastewater operations to supervise the outside vendor, he stated that is it taking an enormous amount of his staff time. He commented that he feels that once we receive our NPDES Permit the Regional Water Control Board will be requiring a large number of studies to be done and improvements that will need to be done. He feels the District will need some additional staffing to help pull that together. Treasurer Knight asked if this is the Water and Wastewater Manager that the Board has been discussing for a while. General Manager Koehne responded that it was and that he would like to put it in the budget for 2008-2009.

12. **Discuss Short & Long Term Planning using a Consultant (Koehne) (10-mins)** General Manager Koehne commented that staff would like to do some short and long term goals for the District. He commented that there are firms that help guide you through the process. He asked if the Board might be interested in having this at a future workshop meeting this year. He commented that it would cost anywhere from \$15,000.00 to \$30,000.00 to bring in a consultant. Treasurer Knight asked what expertise these consultants have. General Manager Koehne responded that ones he is looking at have Special District's knowledge, but that they are mainly for Strategic Planning. President Murphy-Teixeira asked if other boards use these types of consultants. General Manager Koehne responded that he could check. He commented that he thinks most boards rely on the expertise of their own boards and that they do not look too far into the future and just move forward based on what is happening at the time or for the current year. President Murphy-Teixeira commented that she agrees that the need to look forward but do they really need to spend that kind of money for someone to do that for them. General Manager Koehne responded that he could have the consultants do a presentation. He commented that he could put it on the budget and then the board could decide to use it or not.
13. **Discuss Current District Budget Over-runs (Koehne) (15-mins)** General Manager Koehne reported that on the current budget the NPDES Permit is at 101% due to the cost of the consultant being higher than expected. He commented that the legal budget has run over due to a couple of law suits and some other things going on. He reported that memberships are a little over. He reported that permits are a little over budget due to the rise in annual agency fees. He reported that site maintenance has gone over budget. Some reasons are that due to the heavy rains and roof repairs that were done and some were more extensive than expected. He reported that currently the entire budget is running at about 75% and that about 75% of the year is completed.
14. **Discuss Future Items for Consideration (All) (10-Mins)** President Murphy-Teixeira reiterated that they had discussed having the Fire District attend a meeting and Supervisor Piepho. Treasurer Knight had nothing more. Director Doran had nothing more. Director Doran commented that he did feel that the landscape money would get cut this year due to State budget issues. General Manager Koehne explained that the State could pull monies from the DB L&L #8 Landscape fund, but not from any of the other funds of the District. An audience member asked about having the Board advocate for the community on various issues such as development, managed growth, and the handling of taxes. He also asked for Town Meetings to let the community tell the Board what they are in need of. He also asked for the Board to look at having a fireworks celebration for the community. General Manager Koehne commented that he could ask the County Administrator to make a presentation about the distribution of taxes to the Board if the Board wished. President Murphy-Teixeira commented that the District should have a future meeting about the pros and cons of development.

**D. ADJOURNMENT**

The workshop was adjourned at 11:49 am to the next Regular Meeting on March 5, 2008.



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## **Board Members**

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

**March 5, 2008**

**1800 Willow Lake Road, Discovery Bay, California**

**Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)**

### **SPECIAL MEETING at 6:00p.m.**

- A. CLOSED SESSION: GOVERNMENT CODE § 54956.9(a)**
- 1. William Richardson v. Town of Discovery Bay Community Services District et al  
Contra Costa County Superior Court Case N0. C07-00909**
  - 2. Initiation of Litigation – One (1) potential case**
- B. Report on Closed Session** –Legal counsel reported that under Special Meeting Agenda Item A. 1. William Richardson v. Town of Discovery Bay Community Services District et al Contra Costa County Superior Court Case N0. C07-00909 there was no reportable action. He further reported that under Special Meeting Agenda Item A. 2. Initiation of Litigation – One (1) potential case, that matter was withdrawn.

### **REGULAR MEETING at 7:00p.m.**

#### **A. ROLL CALL**

1. President Murphy-Teixeira called the meeting to order at 7:00p.m., and asked legal to report on the closed session. (The report is above under item B) All directors were present.
2. President Murphy-Teixeira asked that Director Piepho lead in the Pledge of Allegiance.

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

Audience member Keith Erickson spoke about Director Piepho being a member of LAFCo and a possible conflict of interest since his wife will be running for Supervisor and asked that the CSD board not re-elect Director Piepho to the LAFCo board. Walter MacVittie reported that the East County Planning Commission meeting scheduled for next Monday, March 10, 2008, would not be held. He reported that he had been re-appointed to the Commission for another four year term. He also reported that the Trans-Plan held a special meeting on February 26, 2008 about the Master Plan. He reported that the next meeting would be March 13, 2008. Audience member Minda Motta came to the podium to restate her concerns about the meter reading systems, she commented that one had a ten year warranty and that one has a twenty year warranty. She also commented about the software driven system and the issues that it could bring down the line in regards to upgrades and the ability of the District to handle the system itself.

#### **C. AREA AGENCIES REPORTS / PRESENTATION**

- 1. DEPUTY SHERIFF /MARINE PATROL REPORT** Lt. Mike Burton passed out his reports for the

month and then went over it with the board. The Marine Patrol Officer passed out his report and then went over it with the board. (These reports are on file in the District Office.) The Marine Patrol Officer gave the number of (925) 646-2441 for Sheriff's Dispatch to call for speeding on the water.

2. **CHP REPORT** Officer Taylor commented that the new B-pass is open. He reported that there was a new law that went into effect on January 1, 2008 to prohibit smoking in a vehicle, parked or moving, with a juvenile in the vehicle. He reported about the radar enforcement done in the past month in Discovery Bay. He reported that there are now two (2) officers for the Community Response Team out of Martinez and they are solely to respond to traffic complaints that are called in our area. He reported that they will be issued tazers and will be in use as of next month.
3. **FIRE DISTRICT REPORT** No one in attendance.
4. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** Karyn Cornell of Supervisor Piepho's office reported that on February 12, 2008 the Contra Costa Board of Supervisors, City of Brentwood and Oakley passed a resolution to support an independent local governing board for the Fire District. She reported that the make up of the board will be based on population, with Brentwood appointing 4 members, Oakley appointing 3 members and 2 members appointed by the Board of Supervisors. She reported that the Supervisor had a meeting on February 14<sup>th</sup> regarding the Bryon Highway Extension with representatives from the county and the communities involved. She reported that a letter will be coming to the CSD asking for comments and thoughts regarding the "Pro Study to Re-evaluate the Circulation Element of the General Plan in the Knightsen Byron Area to Address Emerging Issues with Respect to the Urban Limit Line and policies to ensure Preservation of Non Urban Agricultural Open Space and other areas". She reported that Segment One of the Highway 4 By-Pass is open and that Segment Three (3) should be back to two (2) lanes within two months, weather permitting. She reported that full completion of the By-pass is expected by summer 2008. She reported that the Board of Supervisors had voted to ban Medical Marijuana Dispensaries in Unincorporated Contra Costa County due to land use issues. She reported that the Board of Supervisors voted to reject all 5 sites for proposed reentry prison facilities. She reported that the Supervisor is working with the District Attorney, Sheriff's Office and County Counsel regarding the proposed video surveillance in Discovery Bay. She reported that she and Jerry Fahy, Senior Traffic Consultant for the County Public Works Department will be getting a list of potential locations for the Painting of Speed Limits on the streets. She reported that the Supervisor will be hosting a coffee at Knightsen at the Knightsen Elementary on Saturday March 8, 2008 from 9:00 am to 11:00 am. She reported that she had brought copies of the latest newsletter from the Supervisor.
5. **STATE ASSEMBLY GUY HOUSTON'S REPORT** Assemblyman Guy Houston reported about "The Safe Neighborhoods Act", which is a series of bills currently in the legislature. He reported that it is a petition which is out right now for the November ballot. He reported that the act would make a priority for public safety as the Proposition 98 does for Education. He stated that this act would set aside money for Public Safety in California. He stated that if this initiative were to pass it would mean \$5 million 50 thousand dollars in new funds to the County for Public Safety, which would be for things like Sheriff's Facilities, Victim Notification Program, Adult Probation, Juvenile Probation and for individual departments; the Sheriff's Department almost half of a million dollars, District Attorneys \$400,000.00, the County Jail almost \$400,000.00. He asked that the Board and the community sign the petition he had brought with him. There was discussion about the differences of earmarking funds versus using the general fund. He stated that his Livermore office could be contacted at (925) 606-4990 and also Terry Tonge could be contacted. Director Piepho asked about the possibility of the State taking funds from the Districts Lighting and Landscaping funds due to the State's Deficit. Assemblyman Houston responded that he did not have an understanding of how the final budget was going to turn out at this time. There was further discussion about the possible budget cuts and tax increases.

**D. DISTRICT FINANCIAL REPORT**

General Manager Koehne reported that the Community Center fund has \$536,000.00. He reported that the DB Lighting and Landscape District #8 has 1.2 million dollars, which is the total balance and reserves. He reported that the Town of Discovery Bay has 6.8 million, most of which is reserves. He reported that these figures are as of February 12, 2008.

**E. CONSENT CALENDAR**

Vice-President Doran made a motion to approve the Consent Calendar. Director Piepho 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

**F. NEW BUSINESS FOR BOARD CONSIDERATION**

1. **Presentation and Possible Action on Funding and Staffing of Sheriff Department (Koehne)** General Manager Koehne introduced Lt. Burton as the representative of the Sheriff's Department. Lt. Burton came to the podium and explained that he was not the person to explain the funding of the Sheriff's Department. He stated that the Sheriff is given a certain amount as his budget to use to run the department and with the rise of operating costs that they find it to be inadequate. He suggested that the Board should bring someone from the County Administrator's Office (CAO) in to give the community accurate information on how their tax dollars are distributed. Lt. Burton then went over the graph that he had brought to show crime statistics and trends in the community since 1990. He stated that the community feels that there is a crime wave happening in Discovery Bay, but that there is heightened sense of awareness of the crime that has been happening lately and that the community is publicizing it to each other. He stated that he feels this is a good thing because then people will hopefully not give the criminals crimes of opportunity. He stated that he did not feel that Discovery Bay is being attacked mostly by outsiders, he stated that he felt that the more frequent events are people from within Discovery Bay victimizing each other, based on the time he has spent in this position for the past eighteen months. He stated that one of the highest crimes on the graph is vandalism and most adults do not commit vandalism. He stated that vandalism is mostly committed by people with idle time and lack of supervision. He stated that the average annual calls for service from Discovery Bay in the year 2000 were 2706, in the year 2007 it was 6157. He stated that the increase of calls per day went from 7.4 to 16.9 with the same level of staffing. Director Dove commented that Lt. Burton has worked very hard to be there for the community when we have asked for assistance and he thanked Lt. Burton. Vice-President Doran commented that he thought that Lt. Burton and his staff were doing a good job with the staff that they had and that the community needed to work on trying to get some of the monies from the P-Districts back, if they could, to increase the staffing of the local protection. Director Piepho commented that the graph Lt. Burton brought in was great and that there did not seem to be any real trends in area of crime, in fact he saw that the crime on the water has gone down. Lt. Burton commented that the amount of vacant homes is a potential for more crime. Treasurer Knight commented that she hears from the community that they wonder if they are getting their fair share for the amount of money that they pay in taxes. She asked if there was a way that the Sheriff could show the community how the Sheriff allocates the funds that he is given and why. The Deputy responded that he felt that the CAO of the County could answer that. The Lieutenant also commented that the Sheriff's Department is functioning on a very low budget. Treasurer Knight responded that she understood that they may not have the budget that they would want but she stated that the community would like to know what they are doing with the money that they do get. General Manager Koehne asked if there was some thing that the residents of this community could look for that would indicate that there is possibly some sort of illegal activity going on that could be reported to help. The Lieutenant responded that anything regarding use of power or activities at a building that you know to be vacant. He stated that they have found with a lot of the "grows" of marijuana, the people are stealing power either from the neighbors or PG&E. He responded to look for something that is unusual for your area; he stated that you know what is usual for your area. He stated that if something seems weird it probably is, so call them and let them know. Jeff Barber commented that he believed that the Sheriff himself would be at this meeting. He also commented that he thought that the CFO of the county would be in attendance. He asked if the Board had gone to Martinez to advocate for more resources for the community. Walter MacVittie commented that the graph the Lieutenant had brought was very helpful and he asked that the Lieutenant possibly add to the graph a line showing the growth in population during the same time frame. He further commented that the increase in population might actually show with a ratio of crime to population a relative decrease in crime. He commented that he felt that the currently Lieutenant was doing a wonderful job here and that the awareness of the community is helping to make people less careless and thus helping to stop the preventable crime in our community. He also commented that he felt that the community would never see the dollars that are put into taxes brought back to use in our area completely because of the fact that Discovery Bay is so much safer than other communities in the county. An audience member suggested

taking pictures with your cell phone if you see something strange to show the Sheriff's Department. An audience member commented that the next developer that wishes to build in Discovery Bay should be asked to help with the cost of protection of Discovery Bay. There was discussion about the P-District monies that are from new developments for Police Protection. Bob Mankin read figures from the county's budget, from the county's website, for the Sheriff/Coroner Department. Director Piepho asked to direct staff to invite John Cullen, CAO from the county, to present the facts and figures regarding the county's budget. Legal suggested that the board make a motion. Director Piepho made a motion to direct staff to invite John Cullen, the CAO of Contra Costa County to a future meeting. Vice-President Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

2. **Discuss and Possible Action on Directors Attending ACWA 2008 Legislative Symposium (Koehne)**  
General Manager Koehne explained that this was an annual symposium and asked if any of the directors wished to attend. No directors wished to attend.

3. **Discuss and Possible Action about Possible Future / Controlled Growth Around Discovery Bay and Surrounding Area (Dove)**  
Director Dove explained that he had asked for this item to be put on the agenda to discuss the issue that Discovery Bay has had no control over the growth in the community. He stated that the current infrastructure is very limited and that he is concerned that it will get worse not better. He wanted to discuss with the board the possibility of writing a letter to the Board of Supervisors about how the community feels about uncontrolled growth in Discovery Bay. Treasurer Knight commented that she would like to be sure the board has a view from the majority of Discovery Bay. She further stated that her impression has been that the community does not want any further growth until the infrastructure is more comparable to our size and that she would support a letter to the county representing Discovery Bay's view that the infrastructure needs to be kept up with any growth. Director Piepho commented that the previous growth in Discovery Bay was controlled by the county alone and that none of the Supervisors at that time lived in Discovery Bay. He further commented that Discovery Bay cannot do land use planning, but that the Board can let the Board of Supervisors know Discovery Bays concerns about growth. Vice-President Doran commented that any of the property owners in the Urban Limit Line have to file with the county to start the process of building and that until that happens the community does not have the ability to comment on that project. He commented that the Pantages Project will have to widen Kellogg Creek to the width it should be and will be a great advantage to Discovery Bay by correcting the water flow and eliminating a lot of the silting that happens in the bays and that has been very expensive to remove. He commented that the Cecchini property will also come eventually and that that developer will have to provide services when that time comes. He commented that the State may have Discovery Bay implement a reverse osmosis system in the future and that could easily run 10 million dollars. He commented that if a developer does not cover that cost it will need to be paid for by the residents. He stated that he felt that a letter to the County would be good to let them know how the town feels. Director Dove commented that he would like to have a Town meeting to give the community the opportunity to say what is on their minds. President Murphy-Teixeira stated that she agreed to go forward with a letter indicating that the community has concerns. She stated that they can discuss a Town Meeting but she would like to hear from the people at this meeting first. General Manager Koehne commented that he felt that the community needs to be concerned about the outside communities that are cities that do not have to go through the county for their development process and that are adding to the shared infrastructure. He commented that he would like to have the letter comment this to the Board of Supervisors. Jeff Barber commented that he thought the letter would be a good start. He stated that he feels the board needs to have a community meeting and keep on top of this issue. Bob Schwenke stated that the community does not have the necessary infrastructure and it would be irresponsible to allow any further development without the proper infrastructure. He stated he is in favor of the Board sending a letter to the Board of Supervisors. Dave Kroske commented that he is against growth until the infrastructure is upgraded. He commented that he supports a Community meeting. Mark Simon commented about the fear that the community has regarding more growth without the proper infrastructure. An audience member asked if the Town has any legal rights to sue the developer when they do not follow through with something they promise the Town. Steve Nozet asked if the

community could refuse to connect the new developer to the water and sewer services. Director Dove asked if it was possible to spend monies as a MAC to advertise Town Meetings to the communities. Mark Doran commented about existing homes that are approved but not developed and about the one development that is in the process of being approved. He asked if the CSD has the authority to negotiate with the developers for services and infrastructure. Walter MacVittie commented that in the letter to the Board of Supervisors he would suggest that the Board discuss the specifics of the services and infrastructures that Discovery Bay needs to have brought up to date before any development would be considered. He also commented that the P-District funds be mandated to a specific area and that possibly there could be a modification to the current P-Districts. He also commented about the transportation funds. Mark Armstrong of Pantages Bays commented that his development would be helping with the infrastructure issues. He also commented that the homes that are being proposed are not high density, but homes comparable with the current homes of Discovery Bay. Don Flint commented that he would like the board to write a letter to let the County know what the community wants. An audience member asked that the board have a Town Meeting to give the community a chance to speak on this issue. An audience member commented on the issue of lost property values and the possibility of development creating a change in the speed limits on the water. Ray Tetreault suggested that the board pass a resolution not to expand the sewer plant and by doing that they would not be able to accommodate any new developers. Bob Mankin commented that new infrastructure would not come to the Town with out developers because there are no funds in the county to correct the infrastructure. He commented that if the board were to vote for a moratorium on building they would be sued from existing developers such as Hofmann. An audience member commented that he would like to see the monies from P-Districts earmarked for use in the area that they are taken from. Director Dove stated that he would encourage having a community meeting that is well publicized and that he thinks the people from the County should be there to listen to what the community has to say. President Murphy-Teixeira asked if he still wished to have the board write a letter since that is the agenda item. He stated that he would like to hear from the community before writing the letter. Director Piepho stated that if the community wants a meeting the board could do that but that he would like legal counsel to explain what the board is able to do in this issue. Legal counsel explained that the powers of the District are limited to the powers given in the formation documents and that the District has the authority over Water and Sewer and Landscaping. He stated that the board also has the responsibility of a Municipal Advisory Council which is an earpiece for the Board of Supervisors to get feed back from the communities in their District. He stated that they can advise the Board of Supervisors as to what concerns and issues the particular community has. He explained that the District does not have advocacy powers to take a position and argue for that, the board is to forward on concerns and issues to the Board of Supervisors. He explained that writing a letter to communicate the concerns and issues of the community would be under the powers of the board as a Municipal Advisor Council. He stated that the board did not have the power to sue on a county development agreement because the District is not a party to the agreement. He explained that the District can ask for things from a developer but the County makes the final agreements. He explained that the District can not pick and choose who to give the available capacity of services; it is first come first serve. He explained that there is no requirement that the District expand capacity. Director Piepho asked for clarification of the ability of the board to write a letter to the Board of Supervisors stating that they had heard from the community and these are their concerns. Legal Counsel stated that it was his opinion that the board had the authority to write such a letter. Director Piepho made a motion that Director Dove develop such a draft letter and bring it back to the board for approval and submission to the Board of Supervisors. Vice-President Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

#### **G. COMMITTEE/LIAISON REPORTS**

1. **East County Planning Report** Walter MacVittie gave this report during Public Comment.
2. **Trans-Plan Report** Walter MacVittie gave this report during Public Comment.
3. **Code Enforcement Report** Director Piepho reported that he had attended the meeting on February 28, 2008. He stated he had given the last report to General Manager Koehne and that that is on file at the District Office. He reported that they had asked Code Enforcement to look at Geno's Market since it looks like an abandoned building with all the cars parked over there.

4. **Rec. 800 Report** Ray Tetreault reported that the meeting would be on March 5, 2008
5. **Special Districts Report\*\*** There had been no meeting.
6. **Los Vaqueros Expansion Report** Vice-President Doran reported that there was no new developments with the reservoir expansion. General Manager Koehne commented that the related project of the new pump station on Victoria Island would be starting the following week.

\*\*These meetings are held Quarterly

#### H. **DIRECTORS' COMMENTS**

President Murphy-Teixeira asked what was happening with the informational sign that the board had discussed at a previous meeting. She commented that it could have been used when the bridge was out. General Manager Koehne replied that staff was looking for grants to pay for the sign.

Director Dove thanked the audience for coming to the meeting and letting the directors know their feelings. He commented that it helps the directors to make their decisions.

Vice-President Doran had no comment.

Director Piepho thanked the audience for their comments. He commented about the issue of being a member of the LAFco board and there being a conflict of interest with his wife running for Supervisor. He stated that there was no conflict and that it has been looked at by legal counsel.

Treasurer Knight had no comment.

#### I. **GENERAL MANAGER'S REPORT**

General Manager Koehne reported that on the EPA website under the segment Auxiliary Supplemental Power Fact Sheet the Town is mentioned about the Solar Bees at the Wastewater Treatment Plant. He reported that staff had been working on a Discovery Bay Guidelines brochure for meetings, he commented that it was approximately 90 percent done and would like to have it for the next board meeting. He reported that there had been one water leak since the last board meeting and staff is investigating that. He reported that in the correspondence there is a letter regarding Mercury potential regulations. He commented that staff is keeping an eye on that because it could effect the outcome of the District's NPDES permit renewal. He reported that in the other correspondence is a revised draft of the East County Action Plan which is a listing of roads that the Transplan Committee plans to look at and review in the next few years.

#### J. **CORRESPONDENCE RECEIVED & SENT**

1. **California Regional Water Quality Control Board Report and Notice of Hearings for the Delta Mercury Control Program dated February 20, 2008**
2. **Transplan Committee Special Meeting Agenda for February 25, 2008 and East County Action Plan Update**

#### K. **FUTURE AGENDA ITEMS**

1. **Solar Presentation - Scheduled for March 19, 2008**
2. **Review of 2008-2009 Draft Operating and CIP Budget – Scheduled for May 21, 2008**

There were no new future agenda items.

General Manager Koehne asked for direction on whether or not the board wanted to schedule a special meeting, the potential Town Meeting that was brought up, on growth. Director Dove stated that he would go ahead and draft the letter but that the meeting should be out about a month or so in order to advertise the meeting. President Murphy-Teixeira asked if there was a place that Director Dove would suggest having the meeting. He suggested the school as a possible place to have the meeting. Director Piepho commented on reviewing the draft letter and community input.

#### L. **ADJOURNMENT**

The meeting was adjourned at 10:24 pm to next regular meeting on March 19, 2008.





# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
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## Board Members

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Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

**March 19, 2008**

**Regular Meeting at 7:00 P.M.**

**1800 Willow Lake Road, Discovery Bay, California**

**Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)**

### **A. ROLL CALL**

President Murphy-Teixeira called the meeting to order at 7:00 pm. All directors were present with the exception of Director Piepho. She asked Mrs. Richardson to lead in the Pledge of Allegiance.

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

Keith Erickson commented on the need for clarity of the Mission Statement on the website, which is a draft.

### **C. CONSENT CALENDAR**

Treasurer Knight motioned to approve the Consent Calendar. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

### **D. CHAIR REPORT**

President Murphy-Teixeira commented that the board is planning to have an agenda item with respect to clarifying what the CSD does.

### **E. DIRECTORS' COMMENTS**

Treasurer Knight had no comment.

Director Dove commented that he had attended the Sheriff's advisory meeting on March 11, 2008. He reported that there were two (2) items that came up; one was that the Sheriff has given direction to his staff to start drilling down on the burglaries and different activities going on in Discovery Bay to see if they can pinpoint what the causes are of these issues. Secondly, they discussed the P-6 District funds, the funds that are being paid by the Lakes and Lakeshore communities for police services. They were told that these funds could only be used in the district that they are collected and clarification is needed on whether it is just Discovery Bay or just that particular community. He commented that they are looking into that.

Director Doran had no comment.

### **F. REQUEST FOR BOARD CONSIDERATION**

1. **Presentation on Solar for Wastewater Facility by EI Solutions (Koehne)** General Manager Koehne introduced Tony Foster from EI Solutions. Mr. Foster then gave a presentation about his company, some of their projects and their proposal of a possible solar project for Discovery Bay that would be

located on the back property of the waste water treatment plant. Director Dove commented that he would have to look over the presentation package before making any comment. Mr. Foster commented that he could send the board a more detailed list with cash flow statements and more. Director Doran commented that he would like legal to review the project. Mr. Foster commented that if the board were interested in doing a solar project their next step would be to get a rebate application with PG&E and that they would be willing to assist in that step. Treasurer Knight asked how the other commercial projects that they are working on are financing their projects. Mr. Foster responded that about 60% of the projects are going PPA.

2. **Discuss and Comment on Home Occupation Use Permit Application (Koehne)** General Manager Koehne presented to the board a Home Occupation Use Permit Application for comment. The resident that is applying for this permit is Rick Howe. He came to the podium and stated that he will have a home office for the company and one van. He stated that they would not have people coming to their home for the business. President Murphy-Teixeira asked if he would be storing the chemicals at his home. He replied that he would not. There were no comments from the board.
3. **Discuss and Possible Action on Reduction of Connection Fees for Delta Community Presbyterian Church (Koehne)** Director Dove recused himself from the vote. General Manager Koehne explained that the Delta Community Presbyterian Church was expanding their facilities. He asked Mr. Kier to the podium to talk about the expansion of the church. Legal counsel asked to speak on this item. He explained that the connection fees include the connection fees, inspection fees, and the capacity fee. He explained that the largest amount of the fees are the capacity fee and that fee is to pay their fair share of the existing system and fair share of future increases to the system. Mr. Kier explained the expansion of the church. He further explained that he is Chairman of the Long Range Planning Committee for the church and has been working with the architect and the County. He stated that they had just received County approval last Monday for the overall Master Plan and update of the project. He stated that he had put together the budget for the project and he had talked to General Manager Koehne about the fees that the District would be charging the church. He passed out a handout he had put together. Mr. Kier explained that he was told that the fees were based on an equivalent use of what a home would use for water. He further explained that General Manager Koehne uses public charts to access the fees that are for schools and the fees are based on the amenities that the schools have, such as cafeterias. He stated that they felt that a large percentage of the students that will or are attending their school are already residents of Discovery Bay and has been charged these fees for their homes. Since they will be at school instead of at home he feels that part of the fees are a duplication. He stated that based on the calculations that he had presented to the board he feels that they should be charged for .5 of an EDU for their impact to the system. Treasurer Knight asked if these fees were just for connection or if they include usage fees. Legal responded that they did not include usage fees, that this charge is a one time charge. He further explained the capacity fee that is the majority of the connection fee. Treasurer Knight asked if there would be other groups that would come forward to ask for adjustments on their fees if the board were to approve this item. General Manager Koehne responded yes and stated that one would be the Knightsen School District that is currently building a new school on Bixler Road. Legal Counsel stated that if this argument is accepted that he could foresee every resident coming before the board to present their personal situation such as they only are home for half the time since they work all day. He further stated that he did not feel this was a valid argument and that it would be an improper gift of public funds and would lead to dozens of other claims. President Murphy-Teixeira asked if they had ever made an exception before. General Manager Koehne responded that they had not. Director Doran commented that if legal counsel felt it was not legal that the board could not do it and that if they did he agreed with legal counsel that he could foresee everyone asking for the same treatment. Legal Counsel stated that in his opinion that the way the districts system is set up that it would be an improper gift of public funds. He further commented that if the district chose to do this staff would have to go back and recalculate the capacity charge that was already figured at some length by report and was adopted by the board not quite four years ago. He stated that they would have to make findings for all fees because if they do not they would be violating Proposition 13 and Proposition 218 that state you can only charge a reasonable cost for providing the services. For example, if you were to give a Senior Citizen discount you would be in fact stating that you are charging everyone else too much. Legal counsel stated that the board is being asked to make an ad hoc change to a system which is required to

be set up with findings and studies, which has been set up. President Murphy-Teixeira stated that they have their direction and that the board would not be moving forward with giving the reduction. Treasurer Knight stated that she did not feel that they could give the reduction.

4. **Discuss and Possible Comments on Draft 2005-2006 Financial Audit (Koehne)** General Manager Koehne stated that he is presenting to the board the Draft Audit for 2005-2006; this will bring us closer to being current on our audits for the District. He stated that once this audit is finalized our auditors are planning to do the 2006-2007 Audit in May of this year and then the District will be current with their audits. Director Dove asked if staff was going to do a Managements Discussion for this audit. General Manager Koehne replied that staff will be doing that on the 2006-2007 Audit and on future audits. There were no further comments.
5. **Discuss and Approve Resolution No. 2008-03 for Special District Nomination to LAFCo (Koehne)** General Manager Koehne stated that the Contra Costa County LAFCo has asked all Special Districts to submit any nominations. He commented that one of the Board members, Director Piepho currently sits on the LAFCo Board and would like to be re-nominated. He stated that this is being brought to the Board for them to nominate Director Piepho or someone else from this district. President Murphy-Teixeira asked legal to weigh in on the issue concerning conflict of interest in Director Piepho being on the LAFCo board. She stated that she had received a letter regarding that issue. Legal counsel responded with an explanation about the procedure of being appointed to the LAFCo Board. He then explained conflict of interest. He then related it to David Piepho and the issue of David and his wife being on the same board. He concluded that it was not a conflict of interest. Bob Schwenke commented that he felt that the board needed to listen to the public about who they want to be on the LAFCo board. Jeff Barber commented about Keith Erickson's comment from the previous meeting regarding Director Piepho being on the LAFCo board a conflict of interest. He also commented that at the last meeting Mr. Erickson had asked about the LAFCo elections and that now the election is at this meeting. He commented that he also felt that the board should take a step back and look at other possibilities rather than nominating Director Piepho. He commented that he felt that legal counsel was not impartial on this issue and that he wanted to see the five different ways that the issue of conflict of interest had been looked at that Director Piepho had stated at the last meeting. Lowell Thomas commented that he thought that LAFCo worked as a checks and balances with the County Board of Supervisors and if Mary Piepho and David Piepho are on the LAFCo board that there would not be a check and balance system. He asked that the board nominate someone else. An audience member commented that the board should nominate a board member in order to ensure the representation of the community. He further commented that Mary Piepho is an alternate and that there is another Supervisor on the Board. An audience member commented that he had been on the Board in Contra Costa County and stated that he has to file a conflict of interest report and he stated that he is certain that the board members have to do the same. He felt that this report and filing of the report helps to alleviate the issue of conflict of interest. An audience member asked if an issue came up and there was a vote that the husband and wife would not be able to vote on the same issue. Legal counsel replied that that was not the case. An audience member commented that he still felt that it is incorrect to have a husband and wife on the same board. Mrs. Richardson asked if there was a way for the community to get someone else nominated. Legal counsel responded that LAFCo asks the Special Districts to nominate people. Bob Mankin commented about the comments and characterizations that some commenters are making. Judy Kier commented that she would like to see Dave Dove nominated for LAFCo. Treasurer Knight made a motion to approve the resolution as is. Director Doran 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 1 no, 0 abstain.)
6. **Discuss and Nominate Members to Independent Special District Selection Committee (Koehne)** Legal counsel commented that the Selection Committee consists of the President of the Board and an alternate. President Murphy-Teixeira asked for nominations for the alternate position of the Independent Special District Selection Committee. Treasurer Knight nominated Director Doran. There was discussion about the schedule of who would be nominated. Director Dove nominated Treasurer Knight. President Murphy-Teixeira 2<sup>nd</sup> the nomination of Treasurer Knight. The motion passed. (4 ayes, 0 nos, 0 abstain)
7. **Discuss and Possible Action on Letter for Support on SB 1191 (Koehne)** General Manager Koehne explained what SB1191 involved and that this letter would be in support of this bill. He stated that he

had put this on the agenda to ask the board if they wished to support this bill and send the letter that was included or if they wished to change the letter or not send the letter of support. Legal counsel further explained the bill. Treasurer Knight made a motion that the board approves writing the letter in support of SB1191. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

**G. LANDSCAPE MANAGER'S REPORT**

Landscape Manager Dave Reed reported that the bid packages were out for Zones 35, 57, 61 and the Park and Ride. He stated that staff hopes to have bids in by April 24, 2008 for the take over of these Zones, mainly Discovery Bay West by July 1, 2008. He stated that there is also a design built out for the Willow Lake area across the street from the district office. He stated that the grant approved for the sidewalk that runs from the school to Discovery Bay Boulevard will probably not be done until the latter part of 2009. He stated that the sidewalk is being taken into consideration in the design of the landscaping. He reported that the benches and tables have been replaced in Regatta Park and the concrete sign for the park has been ordered and should be available the end of May 2008. He reported about the sound wall repair on Bixler Road which will be done the first week of April 2008. Director Dove asked if the new sign has the logo on it. Landscape Manager Reed responded that it would have the logo. Director Dove asked who paid for the sign and logo. Landscape Manager Reed replied that the cost came out of Zone 57 funds. Director Dove asked if the bids had been placed in the Discovery Bay Press. General Manager Koehne responded that the District has found that more contractors read the *Contra Costa Times* and go to the *Builders Exchange* for public bids and so the District gets more coverage for the cost.

**H. GENERAL MANAGER REPORT**

General Manager Koehne reported that the landscape bid in the paper today is for a 2 year landscape maintenance contract for four landscape districts that are currently being maintained by Contra Costa County. He further reported that as of July 1, 2008 the County is planning to roll those Districts over to the Town of Discovery Bay and staff is setting this up to be ready to take them over. He reported about a water meter theft that had occurred in Discovery Bay. He reported that when the meters were located 90% of the 65 water meters had been torn apart to sell for the brass. He reported that they had been able to bring them back to the District with the exception of two that the police department is keeping for evidence. He reported that staff is working on the LAFCo annexation of the Knightsen School.

**I. LEGAL COUNSEL REPORT**

Legal counsel reported on a proposal by the legislative analyst's office to help balance the budget by getting the legislature to pass a law which will allow the Board of Supervisors of each County to take half the property tax revenues of Water and Wastewater Districts and use that money to supervise parolees. He reported that the supervision of parolees used to be a State function, but the State has dropped it to the counties. He reported that he did not know the status of that proposal at this time. General Manager Koehne commented that he has been watching this issue very closely and that the way it is written it can only affect the Districts DB L&L #8 Landscaping fund. He stated that the Water and Wastewater funds are not property taxes; they are just collected on the property tax bill.

**J. CORRESPONDENCE**

1. R – State Route 4 Bypass Meeting minutes of February 14, 2008
  2. R – East Bay Regional Park District - Tour of Black Diamond Mines – April 3, 2008
  3. R – Department of Parks & Recreation- Proposed Rulemaking for Land & Water Conservation Fund Program – March 4, 2008
  4. R – News release on Peripheral Canal – Supervisor Piepho – March 11, 2008
  5. R – Letter from Supervisor Piepho to County Counsel on P-Districts – March 6, 2008
  6. R – Letter from Supervisor Piepho to Community Development on Future Development – March 6, 2008
  7. R – News Release on Local Funds for Transportation Improvements – Supervisor Piepho – March 13, 2008
  8. R – Accepting Comments on Scope of EIR for e-BART Extension – March 12, 2008
- General Manager Koehne stated that this correspondence is asking for comment but that it is not in our

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area, and stated that if the board wished him to, he could put it on a future agenda for comment.

9. R – Contra Costa County Aviation Advisory Meeting Minutes for January 15, 2008
10. R – Letter from Supervisor Piepho on Draft Report for Proposed Transportation Study – February 21, 2008

**K. FUTURE AGENDA ITEMS**

1. Review of 2008-2009 Draft Operating and CIP Budget – Scheduled for May 21, 2008
2. Review and Approve of Water Meter Reading System for April 2, 2008

Legal counsel asked if President Murphy-Teixeira would like to have Legal Counsel make a presentation about the function of the CSD as an agenda item. President Murphy-Teixeira replied that she would like to have that on an agenda and far enough in advance that the community could know about it.

**L. ADJOURNMENT**

Director Dove motioned to adjourn the meeting. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain) The meeting was adjourned at 8:48 pm to next Regular meeting of April 02, 2008.

lh 3/27/08



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DAPiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

**April 2, 2008**

**1800 Willow Lake Road, Discovery Bay, California**

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

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### **A. ROLL CALL**

President Murphy-Teixeira called meeting to order at 7:00 p.m. All directors were present with the exception of Treasurer Knight. Pat Richardson led in the Pledge of Allegiance

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

Pat Richardson commented on the placement of the podium and the sound system still not working. She asked that the Directors answer her during Director's Comments, as had been done in a previous meeting. Jeff Barber asked that the Board, as a group, go to Martinez and ask for more resources for public safety to be brought forward for the coming year. Walter MacVittie reported that the next East County Regional Planning meeting is on April 14th, and he has no agenda for that meeting at this time. He also reported that the next Trans Plan Meeting is April 10th, and he has no agenda for that meeting at this time. Bob Mankin commented that he had found that the total amount of P-District monies that went to the Sheriff's Department was in excess of 1.1 million dollars and that the five zones of P-Districts in Discovery Bay contributed \$468,000.00 of that money.

### **C. AREA AGENCIES REPORTS / PRESENTATION**

#### **1. DEPUTY SHERIFF /MARINE PATROL REPORT**

Lieutenant Burton handed out his report to the board and the audience. This report is on file in the District office. He commented that he was noticing that the community was reporting things that they found unusual and that was good.

Lieutenant Duke handed out his report to the board and the audience. This report is on file in the District office. He commented that they had issued three citations last month for children under twelve not wearing life vests.

- 2. CHP REPORT** Officer Taylor reported that over the last month they had a drunken driving incident at the marina. Another was speeding on Point of Timber which resulted in an arrest for cocaine possession. Another was a DUI accident in Lakeshore. He commented that there had been 22 speeding tickets on Point of Timber. He gave a safety tip that he found there were a lot of seat belt violations in Discovery Bay. He stated that the common response was that "I live right down the street." He commented that

everything is right down the street in Discovery Bay.

3. **FIRE DISTRICT REPORT** Battalion Chief Burris reported that there had been 25 calls from Discovery Bay. 22 calls were medical, 2 auto accidents and 1 hazardous condition. He reported that the hazardous condition was leaking fuel at a residence. He reported that of the two auto accidents, one was on Vasco Road and the other was in the parking lot of Safeway.
  4. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** Karyn Cornell reported about the eBart notice for comment on the EIR. She reported about a resolution that had been brought to the Board of Supervisors about the Fresh Produce Link for produce coming from East County to be used in institutions in West County. She reported that the Contra Costa Transportation Authority has added Vasco Road to their project list. She reported that at the last Vasco Road Safety Task Force Meeting the group had discussed the possibility of using some of the money that had been earmarked for the proposed State Route 239 to be used on Vasco Road and projects in this vicinity. She reported that the money that had been requested for this project was 14 million and that they had asked for 7 million so they had received more than expected. She reported that the Contra Costa Public Works Department at Supervisor Piepho's request were asking if they could in fact use the extra money for other projects. She reminded the board that comments on the proposed Knightsen Byron Circulation Element Study are due by April 3, 2008. She stated that if the board needed more time they are willing to give more time. She handed out a press release from Supervisor Piepho in response to Governor Schwarzenegger's recent direction to the State Department of Water Resources to move forward with the environmental study needed to proceed with the Peripheral Canal type water facility. She reported that Supervisor Piepho has grave concerns with such a proposal and has directed the County's water agency to work with effected Delta counties to take an assessment of impact on Contra Costa County, the Bay, Delta and other land and water quality that may result. The Board of Supervisors is on record opposing a Peripheral Canal. She reported that an amendment to the County's Second Unit Ordinance to increase the maximum square footage of a second unit from 800 square feet to 1200 square feet, which is the maximum under State law. She reported that the MAC Meeting that was scheduled for April 12, 2008 has been cancelled due to scheduling conflicts. She reported that an All MAC Meeting has been scheduled for April 21, 2008. She reported that the Board of Supervisors had approved 9 million in Proposition 1B expenditures, 7 million of which Supervisor Piepho was able to get for projects in District 3, particularly in East County.
  5. **STATE ASSEMBLY GUY HOUSTON'S REPORT** Terry Tonge reported that in February an important step was taken toward closing the State budget shortfall, the legislature approved nearly 2.3 Billion in immediate spending cuts that will help solve the deficit. She stated that the Assemblyman supported the cuts at this point because it was the responsible thing to do. She reported that several members of the State Legislature called for closing tax loopholes, they proposed taking away the Senior Citizen Tax Credit, a 255 million increase and reducing the Dependent Child Tax Credit, a 2.4 billion increase. She reported that there are also those that want to eliminate the mortgage interest deductions. She reported that Assemblyman Fabian Nunez was proposing an additional 1.2 billion in oil taxes; she reported that the republican caucus including Assemblyman Houston opposed this tax. She reported that Assemblyman Houston is supporting Assembly Bill 2417, the Safe Neighborhoods Act, authored by Sharon Runner of Antelope Valley. She explained the bill.
- D. **DISTRICT FINANCIAL REPORT** General Manager Koehne reported that as of March 12, 2008 the Town has a total of \$6.8 million, the majority of that being in reserves. He reported that the Community Center account has \$529,952.00. He reported that the DB L&L #8 district has \$1.2 million. He reported that the DB L&L #9 district has \$161,000.00.
- E. **CONSENT CALENDAR**  
Director Doran made a motion to approve the Consent Calendar. General Manager Koehne asked that the invoice for Columbia Electric be removed from the Request for Authorization because the district has not received the final clearance from Cal-Trans for this project. Director Piepho 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
- F. **NEW BUSINESS FOR BOARD CONSIDERATION**
1. **Discuss and Approve Vendor for Water Meter Reading/Usage System (Koehne)** General Manager

Koehne gave the board a listing of questions that he had sent to both vendors and their responses. He stated that based on the responses he had received that staff would recommend Datamatics the Mosaic System. He also went over the financial cost analysis of a 60-day trial that Datamatics proposes which he recommends. He further explained how the process would work. Director Piepho asked staff to report back on the actual usage found after the 60-day trial and how that relates to their billing. Michael Greggans asked if there would be another antenna for this system. General Manager Koehne responded that there would not. John Fritz asked what the cost of installing water meters in the old section would be. General Manager Koehne replied that would be based on the issues related to each home and that he did not know that at this time. Rich Kier asked when the State mandated date to install meters in the old section would be. General Manager Koehne responded that it was 2024. Director Piepho made a motion to initiate the pilot project and select Datamatics as the vendor and subject to written contract approved by legal staff. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

2. **Discuss and Approve Letter to Supervisor Piepho on Future Growth (Dove)** Director Dove commented that the letter is in response to several of the meetings that they have had, if nothing else from the Cecchini property. He stated that in general the people have said that they do not want any more housing growth in Discovery Bay at this time. He stated that the police, fire and other services are basically inadequate and that there is no funding in the foreseeable future to get that taken care of. He stated that this letter is to the Supervisor expressing those concerns. He also stated to note that at this time the water and sewer capacity is unable to handle anymore future developments. He asked the Board to approve the letter. General Manager Koehne discussed how the developers have to provide services to the community in which they are building. He stated that he felt the letter should include the issue that the communities around Discovery Bay and their growth affect the services and road system of Discovery Bay. He commented that the water and wastewater system are near capacity. Director Doran commented that any land within the Urban Limit Line is subject to County approval for development and there is no way to take away their opportunity to file with the County and start the process. Director Piepho asked that the letter acknowledge the two letters that the Town had received from Supervisor Piepho and Community Development. There was discussion about the wording of the letter and being more specific. President Murphy-Teixeira asked legal if the letter needed to be signed by the Board President. Legal responded that the letter could be signed by Director Dove with the statement that he had been directed by the Board to send the letter. It was decided that President Murphy-Teixeira and Director Dove would work on the letter. Director Dove commented that according to a LAFCo report on the Knightsen School consumption, more EDU's would be used than projected. Staff was directed to look into the amounts listed on the LAFCo report and bring this back to the board. The audience commented about the need for transportation improvements in the area in Discovery Bay. An audience member asked about the use of the P-district tax dollars for services in Discovery Bay, he asked for some accountability in the letter. An audience member commented about the letter stating that it is from the "Residents of Discovery Bay in General", he stated that it implies that there had been some consensus or poll taken. An audience member commented that he felt more building would bring more crime. An audience member commented about current capacity of the sewer system and any future growth. General Manager Koehne stated that about 90-95% of the waste water system has been built by developers and that at least 50% of the water treatment system has been built by developers and that if the State mandates any major improvements to those systems it would have to be paid for by the residents of Discovery Bay if there are no developers to bear those costs. Mark Armstrong of Pantages commented that the project they are working on is providing funds to help Discovery Bay with improvements on the water and wastewater systems and the improvement of Kellogg Creek and many other services. He asked that all developers not be painted with the same brush. Director Piepho made a motion to continue the letter. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
3. **Discuss and Approve Rehab of Two (2) Sewer Manholes on Cherryhills Drive (Koehne)** General Manager Koehne presented to the board the issue of rehabilitating the sewer manholes. He commented that he would like to try a product called T-Lock, a plastic layer, in the manholes. He commented that if it works they could possibly use it as a standard in all manholes going forward in Discovery Bay. Director Dove asked if there was more than one bid for the product. The board agreed that they would like to see more bids. The item was tabled.



4. **Discuss and Approve Administrative Civil Liability Complaint No. R5-2008-0511 from Regional Water Quality Control Board (Koehne)** General Manager Koehne presented to the Board this complaint regarding fines from the Regional Water Quality Control Board. He explained how the various fines occurred and how staff had been working with the Regional Water Quality Control Board to reduce the initial fine and that this is the final total fine for July 2004 through December 2007. There was discussion about how to alleviate the problem of the UV failures that resulted in some of the fines. One of the possible solutions would be to use solar power at the plant, since the failures are usually due to power spikes. There was discussion about the fines and the UV system and possible solutions for the future. Director Piepho motioned to approve paying the Administrative Civil Liability Complaint No. R5-2008-0511 from the Regional Water Quality Control Board. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
5. **Discuss and Comment on Painting of Speed Limit "25" on Various Roads Within Discovery Bay (Koehne)** General Manager Koehne commented that the County had responded to a letter sent by the board requesting the County paint speed limit signs on some of the roads in Discovery Bay. He stated that they have given staff some areas that they would approve the painting and that they will also be adding some extra signs. He stated that staff is asking for any comment from the board. Director Piepho made a motion to direct staff to work with the County. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
6. **Discuss and Approve Lowest Quote to Purchase Various Pipe Materials for Wastewater Facility (Koehne)** General Manager Koehne stated that these quotes are for the piping for the bypass at the waste water treatment plant. He also explained the differences in the quotes. Director Dove motioned to go with the lowest bid from FEI-Sacramento WW #1423 Bid Quote B102713. Director Piepho 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
7. **Discuss and Approve Purchase of Testing Equipment for Wetlands Project (Koehne)** General Manager Koehne explained that this is specialized equipment for running tests on the water samples taken from the Wetlands Projects. He explained that this equipment could be used within the treatment plant after the two (2) or three (3) years of the Wetlands Project has been completed. He also commented that staff and the University are looking for grant funding for the project. Director Dove made a motion to accept Quotation 1703 from Eureka Environmental Engineering for their probes. Director Piepho 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

#### G. COMMITTEE/LIAISON REPORTS

1. **East County Planning Report** Walter MacVittie gave report during Public Comment
2. **Trans-Plan Report** Walter MacVittie gave report during Public Comment
3. **Code Enforcement Report** Director Piepho gave report to staff. It will be on file in the District Office
4. **Rec. 800 Report** Director Doran reported that the meeting will be on April 3, 2008.
5. **Special Districts Report\*\*** Next Meeting will be on April 21, 2008
6. **Los Vaqueros Expansion Report** General Manager Koehne reported that there will be an impact to Discovery Bay in the way of increased traffic from trucks.

**\*\*These meetings are held Quarterly**

#### H. DIRECTORS' COMMENTS

Director Piepho gave staff another example of a newsletter. He asked if the sound system is working, it was responded that it was working as long as the Directors spoke into the microphones. He also commented about the placement of the podium being similar to other boards that he serves on and attends, all have the podium facing the board. He stated that the meeting is of the Board of Directors and the presentations are to be made to the Board. He commented that he would like the board to look into having an additional podium for presenters.

President Murphy-Teixeira commented that it was her request that the podium be placed in its current position. She commented that she would like the meetings to be professional and orderly.

Director Doran commented that the Black Diamond Mine at the end of Sommersville Road in Antioch will be reopening. He commented that it was closed due to the earthquake and it has been redone and will be opening this coming weekend.

Director Dove asked that the lights around the trunks of the palm trees at the front entrance be removed.

Director Dove commented that the Richardson lawsuit was still costing a lot of money and would like to get it done.

President Murphy-Teixeira commented that if anyone wanted to bring cards to be forwarded to a former director she would be sure to get them to him.

**I. GENERAL MANAGER'S REPORT**

General Manager Koehne reported about trying to put together an ethics training class and that staff is not able to get other districts to combine for the training at this time. He reported that staff has located a DVD that would cover the training and that each Director could watch it and take a test and that would cover the requirements. Director Dove commented that he had done his on line and that it was free. He stated that he would give this information to staff. General Manager Koehne reported that there had been graffiti at Discovery Bay Southwest. He reported that there had been three water leaks since last meeting. He reported that he would be attending a Green Conference the following week in Sacramento. He reported that he was researching replacing the Vac Truck. He reported that the bids are out for the Landscape Maintenance Contracts for the Zones that the District is planning to take over from the County in July 2008. He reported that staff also has a bid out for equipment covers for Plant 2.

**J. CORRESPONDENCE RECEIVED & SENT**

1. R – Letter from Supervisor Piepho regarding Grant Applications for Safety Projects dated March 6, 2008
2. R – Letter from Supervisor Piepho regarding Potential Grand Jury Service for 2008-09 dated March 13, 2008
3. R – Letter from Sheriff Rupf to Supervisor Piepho regarding Video Surveillance dated March 12, 2008
4. R – Memo from CCC Community Development Responding to Supervisor Piepho's Concerns about Development in East County dated March 12, 2008
5. R – East Bay Regional Park District 2008 Park Extension
6. R – Joint Municipal Advisory Council Meeting Notice for April 12, 2008
7. S – Letter to Senate regarding Support of SB 1191 dated March 20, 2008
8. R – Letter from Sheriff Rupf to Supervisor Piepho regarding P6 District Monies dated March 14, 2008
9. R – Independent Special Districts Selection Committee Meeting Agenda for April 21, 2008
10. R – DRAFT Minutes of the CC Special Districts Association for January 28, 2008
11. R – California Special Districts Association Contra Costa Chapter Monthly Newsletter for Winter/Spring 2008
12. R – Independent Special Districts Selection Committee DRAFT Minutes of April 17, 2006 Meeting Received March 21, 2008
13. R – Letter from CCC Community Development Notice of Intent to Render Administrative Decision on 5660 & 5670 Beaver Lane in Discovery Bay
14. R – Memo from LAFCo regarding Proposed 2008-2009 Budget

**K. FUTURE AGENDA ITEMS**

Director Piepho asked for a report or discussion about the State Water Study. He asked also to report on the other studies that the District has participated in. President Murphy-Teixeira asked if there was going to be a presenter for the study, she would like to have a presentation and the proper amount of time allocated for it, not on the first meeting of the month. Director Piepho asked that staff contact the Supervisors office to request that John Cullen make a presentation to the Board.

**L. ADJOURNMENT**

1. Director Piepho motioned to adjourn the meeting. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain) The meeting was adjourned at 10:05 pm to the next regular meeting on April 16, 2008.

lh 4/10/08



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376

Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

April 16, 2008

1800 Willow Lake Road, Discovery Bay, California

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### SPECIAL MEETING at 6:30p.m.

#### **A. CLOSED SESSION: GOVERNMENT CODE § 54956.9(a)**

1. William Richardson v. Town of Discovery Bay Community Services District et al  
Contra Costa County Superior Court Case N0. C07-00909

#### **B. Report on Closed Session -** Legal counsel reported that under Special Meeting Agenda Item A.1. William Richardson v. Town of Discovery Bay Community Services District et al Contra Costa County Superior Court Case N0. C07-00909 there was no reportable action.

### REGULAR MEETING at 7:00p.m.

#### **A. ROLL CALL**

1. President Murphy-Teixeira called the meeting to order at 7:00p.m.
2. Ray Tetreault led in the Pledge of Allegiance. President Murphy-Teixeira stated that all Directors were present.

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

Walter MacVittie reported that he would be on vacation for the next report. He reported that currently Trans Plan is going over the review of the East County Action Plan for roads of regional significance. He reported that all the regions will be putting them together for one large action plan. He reported that one area that had a lot of dialog were the cities and the county regarding notification to Trans Plan on any new development that will involve any more than 100 additional trips. He commented that any General Plan Amendment (GPA) that will involve 100 or more trips will be subject to review of Trans Plan and other Regional Transportation Plan Committees (RTPC). He further explained that they are working on how to control the impact of the growth in our area from cities, as well as unincorporated areas, which all impact the roads throughout East County. He explained that he felt they need to come up with a formula that would be a way to figure the capacity of the roads. Jeff Barber asked what was the status of the letter regarding growth in the community. He further commented that the Sheriff is asking for public help in shoring up his budget. He stated that he thought that the 22<sup>nd</sup> of this month was the date that the budget was going to be presented to the Board of Supervisors. He asked that the Board of Directors go to Martinez and ask for an adequate budget for the Sheriff to maintain his current level of protection in Discovery Bay with his deputies and marine patrol. Bob Mankin commented that if the community was to go over to Martinez and advocate for more money for the Sheriff's budget, without knowing where the money would be going, would not be

worthwhile. He commented that the Sheriff has 15 years of history of services not returning to this community. He commented that he has a face to face meeting set with the Sheriff on Friday and that if he receives the answers they are looking for that he would be happy to go to Martinez and advocate for more monies for the Sheriff's Department. The Kiers asked about the report on the closed session. Legal reported that the report was given after the closed session was finished.

C. **CONSENT CALENDAR**

Director Piepho made a motion to approve the Consent Calendar. Director Doran 2<sup>nd</sup> the motion. Director Dove asked for clarification on some of the fees on the District's Fee Schedule. General Manager Koehne explained the fees for Fire Protection and the difference between Condominium, Multiple Family and Single Family Units. The motion passed. (5 ayes, 0 nos, 0 abstain)

D. **CHAIR REPORT**

President Murphy-Teixeira commented that the status regarding the letter on Community Growth was that she and Director Dove were to work on the letter. She further commented that she had drafted a letter and forwarded it to Director Dove and legal counsel on the Thursday after the last meeting. She commented that apparently Director Dove had technical difficulties and did not respond to her until this Monday and sent her a draft on Tuesday and they are still working on it. She stated that she felt there should be a working draft on the agenda of the next meeting.

E. **DIRECTORS' COMMENTS**

Treasurer Knight – no comment

Director Piepho commented that he had the Code Enforcement report to hand in and that he had not attended any other meetings during the last two weeks.

Director Doran reported that he had attended a meeting on the traffic problems around Excelsior School. He reported that they are in the process of trying to come up with a way to rectify that situation.

Director Dove commented that he would be attending the Board of Supervisors meeting on April 22<sup>nd</sup>.

F. **REQUEST FOR BOARD CONSIDERATION**

1. **Discuss and Possible Action on Board Member/s Attending Special District's Legislative Day on May 12, 2008 (Koehne)** General Manager Koehne stated that this was an annual event and asked if any Board members wished to attend. No member wished to attend.
2. **Discuss and Approve Purchase of one Flammable Cabinet for Storage of Paint Cans (Koehne)** General Manager Koehne explained that this had been approved on the Capital Budget and that he was asking for the boards approval to now purchase this piece of equipment for storing paint cans. Director Piepho made a motion to approve not-to-exceed \$1,000.00 for purchase of a Flammable Storage Cabinet. President Murphy-Teixeira 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, ) abstain)
3. **Discuss and Purchase one Used Vac-Truck for Wastewater Emergencies (Koehne)** General Manager Koehne explained that the current Vac-Truck owned by the District does not meet the current Air Quality Control Emission Standards and it also does not reach down into the Wet Wells as far as necessary to pull up sewage when required. He commented that they had found one that was a year old and would meet the Air Quality Control Emission Standards. He commented that this one was \$200,000.00, he had budgeted \$175,000.00. He stated that quite a few other agencies were looking to buy Vac-Trucks because of the new requirements on the emissions. President Murphy-Teixeira asked what would be done with the old one. General Manager Koehne responded that he would bring that back to the board to surplus the truck and then he would try to sell it out of state where it would meet standards. Director Piepho asked how General Manager Koehne knows that the truck will not meet standards since the district's vehicles are exempt. General Manager Koehne responded that the regulation is on the year of the vehicle. Director Piepho asked about the possibility of getting a Vac-truck with a gasoline engine. General Manager Koehne responded that he had not seen any gasoline trucks during his research but that he could check. Director Piepho made a motion to postpone this item until the next meeting so that staff can bring back the information regarding gasoline engines. Director Dove 2<sup>nd</sup> the motion. An audience member asked about refurbishing the current vehicle. General Manager Koehne stated that they could put another diesel engine on the vehicle but it still would not be able to pull from the deeper Wet Wells. Walter MacVittie asked if the delay would cause this unit to be

unavailable and that that could cost the district. General Manager Koehne responded that they could lose the truck but that they could also rent the truck for a month and that would hold it. Director Piepho changed his motion to authorize staff not-to-exceed \$200,000.00 on the purchase of a 2007Vactor Model 2110. Director Dove agreed to the amendment of the motion. General Manager Koehne clarified that he would check with the dealers to see if there is a gasoline version of the vehicle. He further stated that he had told the dealer that they would like to test the vehicle first before they buy it. The motion passed. (5 ayes, 0 nos, 0 abstain)

**G. LANDSCAPE MANAGER'S REPORT**

Landscape Manager Reed reported that the lights would be removed shortly from the palm trees at the front entrance. He reported that the new tables and benches have been installed at Regatta Park. He reported that sitting benches would be installed next week at Regatta Park. He reported that the foundation had been poured for the new sign also at the Regatta Park and the sign should be delivered and installed around May 27<sup>th</sup>. He reported that the district had received the reimbursement of \$1,909.00 for damage caused to the Front Entrance by an individual that lost control of their vehicle. He reported that the sound wall across from the Safeway Gas Station on Bixler Road had been repaired and that the individual responsible for the damage will be billed by the county. Director Piepho asked about pending projects. Landscape Manager Reed reported that they are working on a bid for Willow Lake Proposal and that he would be bringing back to the board on May 7<sup>th</sup>. He reported that they are working on repairing three planter boxes in the same area. President Murphy-Teixeira commented that she was glad to see that he got right on the removal of the graffiti. He reported that all the developers and Homeowners Associations and the County had all worked together to get that done.

**H. GENERAL MANAGER REPORT**

1. Ethics Training – General Manager Koehne reported that there was a free online class, and that Reclamation District 800 was also having a class after their June board meeting. He stated that the Reclamation District 800 meetings are at 10:00 am in the morning. Director Piepho asked that General Manger Koehne notify the Byron Brentwood Knightsen Cemetery District about the information for the Ethics Training. General Manger Koehne stated that he would send this information to the Directors by email, and asked that the Directors advise him of their decisions. Director Piepho asked what is the actual deadline to have the training complete. General Manager Koehne stated that he would let them know. General Manager Koehne reported that there had been a power glitch on Tuesday night and that it had knocked down all the pumps at the power station. He stated that he was having a programmer come either Friday or Monday to fix the situation to avoid this happening in the future. He reported that also on Tuesday evening he was called about a fire hydrant being knocked over by a hit and run. He reported that a new fire hydrant had been installed on Saturday. He reported that he is working on the contract for the water meter system and that he feels that it should be reviewed and okayed tomorrow. He reported that he had met with the County Public Works about the transition of taking over the other service areas to Discovery Bay CSD. He reported that they had talked about timelines, open issues, to make sure both agencies are on board as to when the transfer will happen. He reported that he had attended a Green Conference in Sacramento. He met other solar providers to see their proposals. He also saw a wind device that might be used rather than solar or with the solar, so he will research that. He commented that at the Conference there were pictures of the Town's Solar Beds, showing how the Town uses solar to dry our solids.

**I. LEGAL COUNSEL REPORT**

No report.

**J. CORRESPONDENCE**

1. R – State Route 4 Bypass Meeting Minutes – March 13, 2008
2. R – Resolution on Cherry Buckskin Disease – March 11, 2008
3. R – Invite to Byron Jet Center Groundbreaking – April 24, 2008
4. R – Transplan Committee Meeting Minutes – February 14, 2008
5. R – Aviation Advisory Committee Meeting Agenda for April 15, 2008
6. R – Aviation Advisory Committee DRAFT Minutes for March 18, 2008
7. R – Aviation Advisory Committee Final Minutes for February 19, 2008

**K. FUTURE AGENDA ITEMS**

**1. Review of 2008-2009 Draft Operating and CIP Budget – Scheduled for May 21, 2008**

Director Piepho asked that the phone system be put on the agenda. General Manager Koehne responded that the phone system is on the next year's budget under Capital Improvement Projects. Director Piepho asked for a report at the next meeting. Director Piepho reiterated that the board had asked for County Administrator John Cullen to make a presentation to the board. Director Dove also asked that the County Administrator come out and makes a presentation. Director Dove also asked about a letter that had been received from the County Supervisor regarding funds for Park Dedication Fees and projects on those. He asked if staff had come back with projects for those funds and asked if staff could give a report about these funds and possible projects. General Manager Koehne responded that staff was working on that and that they would give the board a report at the next meeting. President Murphy-Teixeira commented that she would like the letter regarding growth to be on the next agenda.

**L. ADJOURNMENT**

Director Piepho made a motion to adjourn the meeting. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain) The meeting was adjourned to the next Regular meeting on May 7, 2008.

Lh 4/25/08



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
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Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

May 7, 2008

1800 Willow Lake Road, Discovery Bay, California

REGULAR MEETING 7:00 P.M.

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### A. ROLL CALL

President Murphy-Teixeira called the meeting to order. The roll call showed that all Directors were present with the exception of Director Piepho. She then led in the Pledge of Allegiance.

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

Jeff Barber commented on a procedural matter. He asked the board to clarify the procedure of Public Comment under Director's Comments. He also asked that the developers be allowed to speak first so that the residents may make comments after. Bob Mankin commented on his meeting with the Sheriff. He commented that they need to focus on the P-District monies. He commented that based on the figure given by the Sheriff of how much it would cost to pay for one deputy the P-District money would cover three deputies. Judy Kier asked if the board had ever considered having only one meeting per month, she stated that she felt more people would be interested in running for the board if there was only one meeting per month.

### C. AREA AGENCIES REPORTS / PRESENTATION

#### 1. DEPUTY SHERIFF /MARINE PATROL REPORT

Lieutenant Burton gave his report for April 2008; it is on file at the District office. There was discussion about the auto burglaries, identity theft, watching out for credit card readers, and the loss of the position of Crime Prevention Specialist due to the budget for 2008/2009. He commented about a lifted red truck that was reported as trying to abduct children in the area.

Lieutenant Duke gave his report for April 2008; it is on file at the District Office.

#### 2. CHP REPORT

Officer Taylor gave his report for April 2008. He reported that the CHP had written 128 speeding tickets on the bypass last month. They arrested 14 Driving Under the Influence (DUI) around the Discovery Bay area. He reported that 6 came from Discovery Bay itself. He reported that they had issued 10 speeding tickets through Discovery Bay. He reported that they had issued 22 speeding tickets on Vasco Road up to Brentwood on Walnut Blvd. He reported that on Highway 4 in front of Discovery Bay they had issued 50 tickets; 11 were for speed, and 8 were from the DUI arrests.

#### 3. FIRE DISTRICT REPORT

Battalion Chief Burris gave his report for the month of April 2008. He reported that the Discovery Bay

Station engines had responded to 35 medical calls, 8 structure fires, 7 auto accidents, 6 hazardous conditions and 5 fire alarms.

**4. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT**

Karyn Cornell reported that the Contra Costa County budget for 2008/2009 had been approved. She reported on various items on the budget. She reported that there had been a new department created by joining the Building Inspection and Community Development Department, it will be called the Department of Conservation and Development. She gave the board a spreadsheet of the current Keller Canyon balance for the Discovery Bay Municipal Advisory Committee (MAC). She gave the board the breakdown of the funds from Proposition E. She reported that the Supervisor had attended the ground breaking of the new Byron Center at the airport. She reported that there are two positions open on the Airport Advisory Committee. She reported that there is a new Code Enforcement Officer, Officer Patty Cookson. She distributed the latest edition of the Piepho Press. She also reported that there would be a reading festival on May 16<sup>th</sup> through the 18<sup>th</sup>, sponsored by the Contra Costa Library and Target. She reported that the next Coffee with the Supervisor would be on May 10<sup>th</sup> in Brentwood. She reported that the Farmers Market in Brentwood would be starting again on May 10<sup>th</sup>.

**5. STATE ASSEMBLY GUY HOUSTON'S REPORT**

There was no one in attendance.

**D. DISTRICT FINANCIAL REPORT**

General Manager Koehne reported that the District had \$6.8 Million with the majority designated for reserves. He reported that the DB L&L #8 District has \$1.2 million some being reserves. He reported that the DB L&L #9 District has \$161,000.00.

**E. CONSENT CALENDAR**

Treasurer Knight made a motion to approve the Consent Calendar. Director Doran 2<sup>nd</sup> the motion. The motion was approved. (4 ayes, 0 nos, 0 abstain)

**F. NEW BUSINESS FOR BOARD CONSIDERATION**

1. **Discuss and Approve Letter to Supervisor Piepho on Future Growth (Dove)** Director Dove presented the letter to the Board. President Murphy-Teixeira commented that this letter was a collaborative effort between herself, Director Dove and legal counsel. Sandy Rogers commented that she was disappointed by the letter and that it understates the concerns that have been expressed by the audience. Mark Armstrong of Pantages Bays commented about the issue of the sewer and water capacity and the fact that it had already been addressed on his project and that his project was in the amount already accounted for. Jeff Barber commented that he agreed that the letter was not what they had expected and that this letter needs to be the first step in a process. Director Doran motioned to approve sending the letter. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
2. **Discuss and Nullify Board Motion to Purchase One Used Vac-Truck Made on April 16, 2008 (Koehne)** General Manager Koehne reported that the board had previously approved the purchase of a Vac- Truck with the condition that he research if Vac-Trucks were available in gasoline versus diesel fuel. He reported that there were very few made in gasoline and that they lack the torque of the diesel engines. He reported that staff had tested the Vac-Truck selected after the motion had been made to approve. He reported that staff did not like the truck and asks that the board nullify the previous motion to purchase this Vac-Truck. Director Dove made a motion to rescind the motion to purchase one used Vac-Truck that the board made on April 16, 2008. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
3. **Discuss and Consider Consumer Price Index (CPI) Increase for District's Annual Water & Wastewater Usage Fees (Koehne)** General Manager Koehne stated that based on a previous ordinance the District is authorized to increase the Annual Water and Wastewater Usage Fees. He asked if the board wished to apply the increase. He reported that the average increase to the residents of Discovery Bay would be approximately 19 or 20 dollars per year per residence. Director Doran made a motion to approve the CPI increase for the wastewater and water rates. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)



4. **Discuss and Approve Proposed Scope & Engineering Cost for New Water Production Well #6 (Koehne)** General Manager Koehne reported that he had brought this to the board before and that the board had asked staff to get quotes for this test well. He reported that doing a test well would cost the District more money because that would be fragmenting the project. He stated that he would need to get approvals from governmental agencies before staff could start the test hole. He asked to have the District Engineer do this part of the work and that it would be overseen by staff. He stated that this well would be for reliability not for production. Director Doran motioned to approve the proposed Scope and Engineering cost for New Water Production Well #6. Director Dove 2<sup>nd</sup>. The motion passed. (4 ayes, 0 nos, 0 abstain)
5. **Discuss and Approve Lowest Responsive Bidder for Landscape Maintenance Work for Zones 35, 57 and 61 starting July of 2008** Landscape Manager Reed presented the bids for landscape maintenance contracts that he had received to prepare for taking over Zones 35, 57 and 61 starting July 1, 2008. He asked that the board approve the lowest bidder. There was discussion about the reason for taking the lowest bidder. Director Doran moved to accept the maintenance contract for Zone 35, 57 and 61 to Valley Crest Landscaping for \$5,460.00 a month starting July 1, 2008. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

**G. COMMITTEE/LIAISON REPORTS**

1. **East County Planning Report** – President Murphy-Teixeira commented that Walter MacVittie had given this report at last meeting and was on vacation this week.
2. **Trans-Plan Report** – President Murphy-Teixeira commented that Walter MacVittie had given this report at last meeting and was on vacation this week.
3. **Code Enforcement Report** – Treasurer Knight reported that Director Piepho had attended this meeting and he was not in attendance.
4. **Rec. 800 Report** – Ray Tetreault reported that the meeting would be tomorrow.
5. **Special Districts Report\*\*** Director Doran reported that the meeting was a presentation about East Bay Regional Park District (EBRPD). He reported that he has asked one of the EBRPD board members to send out some information about what Discovery Bay has to do with the EBRPD.
6. **Los Vaqueros Expansion Report** – Director Doran reported that the highway work is in progress. General Manager Koehne stated that he had met with the project manager and reported that the first stage of the project is to lay a new one mile road from Victoria Island to Middle River.

**\*\*These meetings are held Quarterly**

**H. DIRECTORS' COMMENTS**

**Treasurer Knight** commented that she had received a listing at the CSDA meeting about alliances that the CSDA has that the District could use to get discounts with various companies. She turned in the handout from the Special District Meeting about EBPRD.

**Director Doran** – no comments.

**Director Dove** reported that he and General Manager Koehne had attended the All MAC Meeting and reported that they are going through a realignment of all the procedures and policies. He reported on his "Coffee" meeting at Starbucks. He commented that people had asked about the Community Center with respect to what they could do with their kids in Discovery Bay. He stated they would like an update on the Community Center such as a press release. He stated that other concerns were of the P-6 funds and the policing. He stated that when he attended the Supervisor's meeting he had gotten a copy of their entire budget. He commented that it was available to copy or review.

**President Murphy-Teixeira** commented in response to Public Comment. She asked that there be some sort of timing mechanism for Public Comment. She stated that she would like to have a meeting about the responsibilities of a CSD and a MAC. She commented that Todd Pastorini had emailed her to say they were going to have a meeting in May but she does not have that date as yet. She commented regarding the 3-minute rule that if someone has to do a presentation such as Walter she tries to give him time to present, but if it is Public Comment then she tries to stick to the 3-minute rule. She responded to the question about having one meeting per month and that she would love to have one meeting a month but that when they do that such as during the holidays the following agendas get really backed up.

**I. GENERAL MANAGER'S REPORT**

General Manager Koehne commented that he is still trying to get the County CEO out for a meeting and that he knows that they are busy with the budget at this time of year. He reported that they had sent him some spreadsheets for the year just ending 2007/2008. He reported on some of the numbers on those spreadsheets. He reported that staff had given the board the project timelines and that he would like them to look at those and let staff know if they have any comments. He reported that he had recalculated the usage for the Knightsen Elementary School by comparing it to the Timber Point Elementary and that Timber Point had used 185,000 gallons of water for the year and so he is projecting that Knightsen will use about 250,000 gallons of water per year. He reported that he had received a CD about the Brentwood EIR for the Brentwood Boulevard Specific Plan. He reported that they are looking for comments by June 6, 2008. He reported that staff is in the process of rehabilitating Well #2. He reported that the City of Brentwood is interested in doing a couple of Bio-Solid Solar buildings like ours in Discovery Bay so they have asked to do a trial at our plant to see how it works. Director Dove asked if the Bio-Solids were ready to sell for fertilizer. General Manager Koehne responded that there was compost available, but there would be no cost to residents. Treasurer Knight asked for the link for online Ethics Training. General Manager Koehne responded that he would send the board the link. He reported on the current progress of the Water Meter Program. He reported that there were three High School students painting fire hydrants in Discovery Bay to comply with their graduation requirements of community service. He also reported that staff is working on getting grants for the Wetlands Projects.

**J. CORRESPONDENCE RECEIVED & SENT**

1. **R – Letter from City of Brentwood Requesting Comments on Draft EIR for Brentwood Boulevard Specific Plan – April 21, 2008**

**K. FUTURE AGENDA ITEMS**

1. **Review of 2008-2009 DRAFT Operating and CIP Budgets – Scheduled for May 21, 2008**  
Director Dove asked about making a Timeline of the Capital Improvement Projects.

**L. ADJOURNMENT**

Director Dove motioned to adjourn the meeting. Director Doran 2<sup>nd</sup> the motion. The meeting was adjourned at 8:43 pm to next regular meeting on May 21, 2008.

lh 5/14/08



# TOWN OF DISCOVERY BAY CSD

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Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

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Director-Dave Dove	ddove@sbcglobal.net

## (AMENDED)

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

May 7, 2008

1800 Willow Lake Road, Discovery Bay, California

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

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

#### **A. ROLL CALL**

President Murphy-Teixeira called the meeting to order. The roll call showed that all Directors were present with the exception of Director Piepho. She then led in the Pledge of Allegiance.

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

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Lieutenant Burton gave his report for April 2008; it is on file at the District office. There was discussion about the auto burglaries, identity theft, watching out for credit card readers, and the loss of the position of Crime Prevention Specialist due to the budget for 2008/2009. He commented about a lifted red truck that was reported as trying to abduct children in the area.

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Station engines had responded to 35 medical calls, 8 structure fires, 7 auto accidents, 6 hazardous conditions and 5 fire alarms.

**4. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT**

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**5. STATE ASSEMBLY GUY HOUSTON'S REPORT**

There was no one in attendance.

**D. DISTRICT FINANCIAL REPORT**

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**E. CONSENT CALENDAR**

Treasurer Knight made a motion to approve the Consent Calendar. Director Doran 2<sup>nd</sup> the motion. The motion was approved. (4 ayes, 0 nos, 0 abstain)

**F. NEW BUSINESS FOR BOARD CONSIDERATION**

- 1. Discuss and Approve Letter to Supervisor Piepho on Future Growth (Dove)** Director Dove presented the letter to the Board. President Murphy-Teixeira commented that this letter was a collaborative effort between herself, Director Dove and legal counsel. Sandy Rogers commented that she was disappointed by the letter and that it understates the concerns that have been expressed by the audience. Mark Armstrong of Pantages Bays commented about the issue of the sewer and water capacity and the fact that it had already been addressed on his project and that his project was in the amount already accounted for. Jeff Barber commented that he agreed that the letter was not what they had expected and that this letter needs to be the first step in a process. *Rich Kier asked the board if a Will Serve Letter had been issued to Pantages Bay. General Manager Koehne responded that there had not been a Will Serve Letter issued to Pantages Bay.* Director Doran motioned to approve sending the letter. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
- 2. Discuss and Nullify Board Motion to Purchase One Used Vac-Truck Made on April 16, 2008 (Koehne)** General Manager Koehne reported that the board had previously approved the purchase of a Vac- Truck with the condition that he research if Vac-Trucks were available in gasoline versus diesel fuel. He reported that there were very few made in gasoline and that they lack the torque of the diesel engines. He reported that staff had tested the Vac-Truck selected after the motion had been made to approve. He reported that staff did not like the truck and asks that the board nullify the previous motion to purchase this Vac-Truck. Director Dove made a motion to rescind the motion to purchase one used Vac-Truck that the board made on April 16, 2008. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
- 3. Discuss and Consider Consumer Price Index (CPI) Increase for District's Annual Water & Wastewater Usage Fees (Koehne)** General Manager Koehne stated that based on a previous ordinance the District is authorized to increase the Annual Water and Wastewater Usage Fees. He asked if the board wished to apply the increase. He reported that the average increase to the residents of Discovery Bay would be approximately 19 or 20 dollars per year per residence. Director Doran made a motion to

approve the CPI increase for the wastewater and water rates. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

4. **Discuss and Approve Proposed Scope & Engineering Cost for New Water Production Well #6 (Koehne)** General Manager Koehne reported that he had brought this to the board before and that the board had asked staff to get quotes for this test well. He reported that doing a test well would cost the District more money because that would be fragmenting the project. He stated that he would need to get approvals from governmental agencies before staff could start the test hole. He asked to have the District Engineer do this part of the work and that it would be overseen by staff. He stated that this well would be for reliability not for production. Director Doran motioned to approve the proposed Scope and Engineering cost for New Water Production Well #6. Director Dove 2<sup>nd</sup>. The motion passed. (4 ayes, 0 nos, 0 abstain)
5. **Discuss and Approve Lowest Responsive Bidder for Landscape Maintenance Work for Zones 35, 57 and 61 starting July of 2008** Landscape Manager Reed presented the bids for landscape maintenance contracts that he had received to prepare for taking over Zones 35, 57 and 61 starting July 1, 2008. He asked that the board approve the lowest bidder. There was discussion about the reason for taking the lowest bidder. Director Doran moved to accept the maintenance contract for Zone 35, 57 and 61 to Valley Crest Landscaping for \$5,460.00 a month starting July 1, 2008. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

#### G. COMMITTEE/LIAISON REPORTS

1. **East County Planning Report** – President Murphy-Teixeira commented that Walter MacVittie had given this report at last meeting and was on vacation this week.
2. **Trans-Plan Report** – President Murphy-Teixeira commented that Walter MacVittie had given this report at last meeting and was on vacation this week.
3. **Code Enforcement Report** – Treasurer Knight reported that Director Piepho had attended this meeting and he was not in attendance.
4. **Rec. 800 Report** – Ray Tetreault reported that the meeting would be tomorrow.
5. **Special Districts Report\*\*** Director Doran reported that the meeting was a presentation about East Bay Regional Park District (EBRPD). He reported that he has asked one of the EBRPD board members to send out some information about what Discovery Bay has to do with the EBRPD.
6. **Los Vaqueros Expansion Report** – Director Doran reported that the highway work is in progress. General Manager Koehne stated that he had met with the project manager and reported that the first stage of the project is to lay a new one mile road from Victoria Island to Middle River.

\*\*These meetings are held Quarterly

#### H. DIRECTORS' COMMENTS

**Treasurer Knight** commented that she had received a listing at the CSDA meeting about alliances that the CSDA has that the District could use to get discounts with various companies. She turned in the handout from the Special District Meeting about EBPRD.

**Director Doran** – no comments.

**Director Dove** reported that he and General Manager Koehne had attended the All MAC Meeting and reported that they are going through a realignment of all the procedures and policies. He reported on his "Coffee" meeting at Starbucks. He commented that people had asked about the Community Center with respect to what they could do with their kids in Discovery Bay. He stated they would like an update on the Community Center such as a press release. He stated that other concerns were of the P-6 funds and the policing. He stated that when he attended the Supervisor's meeting he had gotten a copy of their entire budget. He commented that it was available to copy or review.

**President Murphy-Teixeira** commented in response to Public Comment. She asked that there be some sort of timing mechanism for Public Comment. She stated that she would like to have a meeting about the responsibilities of a CSD and a MAC. She commented that Todd Pastorini had emailed her to say they were going to have a meeting in May but she does not have that date as yet. She commented regarding the 3-minute rule that if someone has to do a presentation such as Walter she tries to give him time to present, but if it is Public Comment then she tries to stick to the 3-minute rule. She responded to the question about having one

meeting per month and that she would love to have one meeting a month but that when they do that such as during the holidays the following agendas get really backed up.

**I. GENERAL MANAGER'S REPORT**

General Manager Koehne commented that he is still trying to get the County CEO out for a meeting and that he knows that they are busy with the budget at this time of year. He reported that they had sent him some spreadsheets for the year just ending 2007/2008. He reported on some of the numbers on those spreadsheets. He reported that staff had given the board the project timelines and that he would like them to look at those and let staff know if they have any comments. He reported that he had recalculated the usage for the Knightsen Elementary School by comparing it to the Timber Point Elementary and that Timber Point had used 185,000 gallons of water for the year and so he is projecting that Knightsen will use about 250,000 gallons of water per year. He reported that he had received a CD about the Brentwood EIR for the Brentwood Boulevard Specific Plan. He reported that they are looking for comments by June 6, 2008. He reported that staff is in the process of rehabilitating Well #2. He reported that the City of Brentwood is interested in doing a couple of Bio-Solid Solar buildings like ours in Discovery Bay so they have asked to do a trial at our plant to see how it works. Director Dove asked if the Bio-Solids were ready to sell for fertilizer. General Manager Koehne responded that there was compost available, but there would be no cost to residents. Treasurer Knight asked for the link for online Ethics Training. General Manager Koehne responded that he would send the board the link. He reported on the current progress of the Water Meter Program. He reported that there were three High School students painting fire hydrants in Discovery Bay to comply with their graduation requirements of community service. He also reported that staff is working on getting grants for the Wetlands Projects.

**J. CORRESPONDENCE RECEIVED & SENT**

1. **R – Letter from City of Brentwood Requesting Comments on Draft EIR for Brentwood Boulevard Specific Plan – April 21, 2008**

**K. FUTURE AGENDA ITEMS**

1. **Review of 2008-2009 DRAFT Operating and CIP Budgets – Scheduled for May 21, 2008**  
Director Dove asked about making a Timeline of the Capital Improvement Projects.

**L. ADJOURNMENT**

Director Dove motioned to adjourn the meeting. Director Doran 2<sup>nd</sup> the motion. The meeting was adjourned at 8:43 pm to next regular meeting on May 21, 2008.

lh 5/14/08



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

## **MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY CSD May 21, 2008**

1800 Willow Lake Road, Discovery Bay, California  
Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### REGULAR MEETING at 7:00p.m.

#### **A. ROLL CALL**

All Directors were present. John Stovall led in the Pledge of Allegiance.

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

There was no public comment.

#### **C. CONSENT CALENDAR**

Audience member Lowell Thomas commented that he felt that the minutes from the meeting of May 7, 2008 under item # F1 should have included a comment from an audience member asking if the Town of Discovery Bay Community Services District had issued Pantages Bays a Will Serve Letter. He also asked that the minutes include the response by General Manager Koehne that there had not been a Will Serve Letter issued to Pantages Bay. Director Doran motioned to approve the Consent Calendar. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 no, 1 abstain)

#### **D. CHAIR REPORT**

President Murphy-Teixeira reported that she had been contacted and told that there would be a Boating Safety Meeting and a Town meeting held this month. She clarified with legal counsel that more than two board members could attend the meeting. She encouraged the board and audience to attend the meeting if they could. She also reported that the Surveillance Camera Project had collected \$34,000.00. She also reported that Excelsior School is putting on the play Wizard of Oz and she stated she would like to see people attend to support the kids. She also reported that El Campinel is having a summer acting camp for children and if anyone is interested they can contact her for information.

#### **E. DIRECTORS' COMMENTS**

Treasurer Knight – No comment.

Director Piepho – He turned in the Code Enforcement Report. It is kept on file at the District Office.

Director Doran – No comment.

Director Dove – No comment.

**F. REQUEST FOR BOARD CONSIDERATION**

1. **Presentation and Adoption of Resolution 2008-04 Commending Allen Petersdorf, Principal of Discovery Bay Elementary for being named Principal of the Year for 2007-08 (Teixeira)** President Murphy Teixeira presented the Resolution to the Board. Director Piepho made a motion to approve Resolution 2008-04 Commending Allen Petersdorf, Principal of Discovery Bay Elementary for being named Principal of the Year for 2007-08. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain) President Murphy Teixeira then presented a movie that she and her son had put together about Principal Petersdorf. She then presented the Resolution to Principal Petersdorf. He then thanked everyone and his teachers and students.
2. **Discuss and Approve Resolution No. 2008-06 to Prepare the Annual Engineers Report for Lighting & Landscape District #9 (Ravenswood) (Koehne)** General Manager Koehne reported that this is a standard procedure for a Lighting and Landscape District with assessments. He asked that the board authorize staff to notify the engineers to start the report. Director Piepho made a motion to approve Resolution 2008-06. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
3. **Discuss and Approved Moving a Portion of District Funds into Reserves (Koehne)** General Manager Koehne stated that at the first meeting of the month he usually reports on the amount of money that the District has in various funds and he states that a lot of that is in reserves. He stated that the auditors at the last report had suggested that the board make a motion to move an amount from the cash funds so that it is designated for the reserves. He stated that staff would like to suggest that the Board motion to move \$3 million to reserves. He also stated that after the next audit is completed that he would come back to the board for another amount to be moved to reserves. Director Doran made a motion to move a portion of the District's Funds into the Reserves in the amount of \$3 million. Director Piepho 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
4. **Discuss and Comment on DRAFT District Landscape & Lighting 2008/2009 Year Budget (Reed)** Landscape Manager Reed presented the Draft Budgets for Landscape & Lighting District # 8, Zone 35, Zone 57, Zone 61 and Ravenswood. Director Piepho asked for explanation of any budget items that have gone over 100%. Director Dove also asked Landscape Manager Reed if the costs were split among the various Districts and Zones could they be totaled somehow to show that they are comparable to the total of last year's budget. Walter MacVittie commented that the operating budget be tightened up so that the extra funds could be used to do more landscape projects. Director Piepho commented that he would like to see the budgets on the computer for a presentation and he also commented that he would like to have the budget projected through the end of the current year. There was discussion about not putting too much into reserves for the landscape funds but using it for the landscaping. There was discussion about how to use the funds designated for Clipper Drive since no levee work can be done at this time and when it can be done is unknown. Rich Kier asked for clarification of why the projects from last year were not done and why they are not carried over on to the Draft for 2008/2009. It was explained that the projects will be carried over and that they were not put on the Draft Budget correctly and will be adjusted on the Final Budget. The board asked that the funds for Clipper Drive be put to work. Treasurer Knight suggested that they use the list that the board had come up with for Capital projects during the year and put the money to work on those. Director Piepho commented that he would like to see the projects done also, but not to the point of leaving the Clipper Drive project empty of funds when the time comes that they can do it. An audience member asked about the area behind the Post Office where trucks are parking. It was suggested that it be a future agenda item. Director Dove asked about restrooms at Slifer Park and Ravenswood Park. It was decided that staff would look into the costs of restrooms for those parks and possible portables.
5. **Discuss and Comment on DRAFT Sewer & Water District Operating & CIP Budget for 2008/2009 Year (Koehne)** General Manager Koehne presented the draft budgets for the Sewer and Water District. Director Piepho asked for explanation on the items that had gone over 100% of the current budget. Treasurer Knight asked if the staff amount was sufficient and if the budget included benefits for the staff. General Manager Koehne responded that that was being researched.

**G. GENERAL MANAGER REPORT**

1. **Annual Consumer Confidence Report DRAFT Letter to Residents**  
General Manager Koehne reported that he is looking into getting a portable trailer restroom to keep at



one of the lift stations for the Water Meter Service Person who at this time has to leave the job area and drive to Safeway or the office if he needs to use the restroom. He reported that they had done a baby duck rescue. He reported that there had been several accidents on the weekend, one was a motorcycle accident on Point of Timber, one was two boats in a head on DUI and one was a teenager that was thrown on the levee rocks and had to be air lifted out. He reported that staff would be sending out the next water meter invoices in June and that he would report the results to the board. He reported that he had put in the directors packets the Draft Letter to Residents for the Annual Consumer Confidence Report and asked for comments to be given to him by email.

Director Piepho commented on the Letter to Residents. He stated that he felt that the issue of the 10 year anniversary is a big deal and he would like to see it in bigger font. He commented that the Flushing of Fire Hydrants being right on top of Water Usage Tips is kind of a mixed message. He commented on the part "experiencing cloudy water from the flushing please run your faucets for approximately ten minutes", he suggested that maybe they delete the ten minutes, he feels that is a long time to run the water, and then he suggested "run your faucets until the water is clear". General Manager Koehne commented that he may take the Hydrant Flushing off the letter and not do that this year since he is keeping an eye on the aquifer. Director Piepho asked that staff check with the Post Office about the date that they will no longer be delivering using the old Zip Code and then put that below the Fire Works. He also commented that he felt that staff could strike "The CSD Board" (below the Sincerely) since all their names and titles are on the letter.

**H. LEGAL COUNSEL REPORT**

No Report

**I. CORRESPONDENCE**

1. R – Letter from Supervisor Piepho on Reimbursement to Reclamation District 800 for Kellogg Creek – May 01, 2008
2. R – Contra Costa County Aviation Advisory Committee Meeting Minutes from March 18, 2008
3. R – Department of Boating & Waterways Notice of Preparation Draft Program Environmental Impact Report for Water Hyacinth Control Program dated May 9, 2008

**J. FUTURE AGENDA ITEMS**

Truck parking near Post Office

**K. ADJOURNMENT**

Director Piepho made a motion to adjourn the meeting. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

The meeting was adjourned at 9:11 pm to the next Regular meeting of June 4, 2008.



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DAPiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

**June 4, 2008**

**1800 Willow Lake Road, Discovery Bay, California  
REGULAR MEETING 7:00 P.M.**

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### **A. ROLL CALL**

President Murphy-Teixeira stated that roll call reflected that Director Dove and Director Doran were absent. Pat Richardson led in the Pledge of Allegiance

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

There were no public comments.

### **C. AREA AGENCIES REPORTS / PRESENTATION**

- 1. DEPUTY SHERIFF /MARINE PATROL REPORT** Lieutenant Burton came to the podium and gave his report, which is on file at the District Office. He commented that the statistics show that crime has dropped fifty percent compared to this time last year and that calls have doubled which leads him to believe that people are paying more attention to things going on around them. Lieutenant Duke came to the podium and gave his report, which is on file at the District Office. He commented that the boating season has started.
- 2. CHP REPORT** Officer Taylor came to the podium and reminded the board and audience about the new law taking effect on July 1, 2008 for hands free cell phone usage. He reported that they were getting a lot of drivers going the wrong way on Marsh Creek Road because of the one lane closure due to the construction.
- 3. FIRE DISTRICT REPORT** No one in attendance.
- 4. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** No one in attendance.
- 5. STATE ASSEMBLY GUY HOUSTON'S REPORT** No one in attendance.

### **D. DISTRICT FINANCIAL REPORT**

General Manager Koehne reported that the Town of Discovery Bay CSD had 6.8 million as of May 12, 2008. He reported that Discovery Bay's Lighting and Landscape District #8 had 1.2 million as of May 12, 2008 and that Discovery Bay's Lighting and Landscape District #9 had \$161,000.00 as of May 12, 2008.

### **E. CONSENT CALENDAR**

Judy Kier commented that she felt that the correction asked to be made last meeting to the minutes of May 7, 2008, regarding Rich Kier asking General Manager Koehne if there had been a Will Serve letter issued to Pantages Bays, had not been made properly. Legal stated that since the correction had been brought up during

last meetings public comments it was correct on the minutes, but that since this is now being brought up during the Consent Calendar that the correction could be made to the minutes. Legal advised that the board could approve the current minutes with an addition or addendum to these minutes that the previous minutes should be corrected by the addition of the statement. General Manager Koehne asked that three invoices, #'s 20, 21 & 22, be removed from the Discovery Bay Lighting and Landscape #8 Request for Authorization. Treasurer Knight made a motion to approve the consent calendar with the noted exceptions. Director Piepho 2<sup>nd</sup> the motion. Director Piepho abstained from the vote. Director Piepho made a motion to separate the invoices off the Consent Calendar and put it up for a vote. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

#### **F. NEW BUSINESS FOR BOARD CONSIDERATION**

1. **Discuss and Comment on Proposed 135-Foot Tall Faux Windmill Cell Tower (Koehne)** General Manager Koehne presented the information of this proposed cell tower to the board. The board agreed to take General Manager Koehne's recommendations that the company disguise this cell tower as a tree.
2. **Discuss and Comment on ALL-MAC Draft Policies and Draft Maps (Koehne)** General Manager Koehne commented that the ALL-MAC and draft map boundaries do not match. Director Piepho motioned that legal staff contact county legal staff and get a clarification on the MAC boundaries versus CSD boundaries. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
3. **Discuss and Approve Resolution No. 2008-05 re: Elections for November 2008 (Koehne)** General Manager Koehne presented the resolution to the board. Director Piepho made a motion to approve Resolution 2008-05 re: Elections for November 2008. Treasurer Knight 2<sup>nd</sup> the motion. Walter MacVittie asked that the board make an effort to be sure that the public is aware of this election. The motion passed. (3 ayes, 0 nos, 0 abstain)
4. **Discuss and Possible Action to Reject All Bids Submitted for Equipment Covers at Wastewater Treatment Plant #2 (Koehne)** General Manager Koehne asked that the board motion to reject all bids because the bids had been based on a design build premise. He commented that after review legal advised that they should not do the bids as a design build. Treasurer Knight made a motion to reject all bids submitted for equipment covers at Wastewater Treatment Plant #2. Director Piepho 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
5. **Discuss and Possible Action to Reject All Bids Submitted for Willow Lake Landscaping (Reed)** Landscape Manager Reed commented that his bids had also been done as design build and that they needed to be rejected and that they would get a design firm to create drawings for the contractors to bid on. Director Piepho motioned to reject all bids submitted for Willow Lake Landscaping. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
6. **Discuss and Possible Action on Truck Parking North of Post Office on Bixler Road (Koehne)** General Manager Koehne commented that this items action would be to write a letter to the county. Director Piepho stated that he would forward this item to Code Enforcement and report back to the board. No further action was taken at this time.
7. **Discuss and Possible Action to Purchase One (1) Service Truck for Water Meter Position (Koehne)** General Manager Koehne presented this item to the board. He commented that this item is on the 2008/2009 budget but that the Water Service Person is currently using the District's Boom truck to drive around and work on the water meters. He asked that the board approve staff to purchase the new truck this month instead of waiting until next month. Treasurer Knight motioned to approve moving up the truck purchase in the budget not to exceed \$30,000.00. Director Piepho 2<sup>nd</sup> the motion. There were questions about the ability of the new truck to save fuel versus the use of the Boom truck. General Manager Koehne explained that the Boom truck was not designed to use for driving around town up and down the neighborhood streets on a regular basis. It was asked if the use of an electric vehicle would be advantageous. General Manager Koehne responded that an electric vehicle would not be appropriate to haul the weight of meters and tools for this job. The motion passed. (3 ayes, 0 nos, 0 abstain)

#### **G. COMMITTEE/LIAISON REPORTS**

1. **East County Planning Report** Walter MacVittie reported that there would be a meeting on the following Monday night, June 9, 2008. He stated that one item would be that the East Contra Costa Irrigation District is looking at moving their administrative office to where their current operations building is

- located on the corner of Sellers by the church.
2. **Trans-Plan Report** Walter MacVittie reported that the next meeting would be next Thursday, June 12<sup>th</sup>. He felt that the topic would be the East County Plan that has been under discussion.
  3. **Code Enforcement Report** Director Piepho reported that he had turned in his report last meeting and that Code Enforcement was clearing more cases than they were getting.
  4. **Rec. 800 Report** No report.
  5. **Special Districts Report\*\*** No meeting.
  6. **Los Vaqueros Expansion Report** General Manager Koehne reported that the bids for the road to the pump station on Victoria Island were done. He commented that there was a lot of truck traffic from this project.

\*\*These meetings are held Quarterly

#### H. DIRECTORS' COMMENTS

Treasurer Knight – No comment.

Director Piepho commented that the community and board should keep an eye on the Fire District issue. President Murphy-Teixeira commented about two Thank You cards that she had received regarding the presentation made at last meeting for the Principal of the Year.

#### I. GENERAL MANAGER'S REPORT

General Manager Koehne reported on the second reading of the water meters. He stated that the first read of the 62 homes had shown usage of 1.328 million gallons and that this month the read was just less than 1 million gallons, which was a drop of 24 percent. He reported that the Golf Course Valve Station had a cut-over and that this was the last major project owed to us by Hofmann Company.

#### J. CORRESPONDENCE RECEIVED & SENT

1. R – Letter from LAFCo – Final FY 2008-2009 LAFCo Budget dated May 27, 2008
2. R – Letter from Supervisor Piepho re: Balfour Road Improvements dated May 23, 2008
3. R – Letter from East Contra Costa Fire Protection District – Oasis Drive Bridge dated May 22, 2008
4. R – Letter from California Energy Commission – Delay in Construction of East Altamont Energy Center dated May 23, 2008
5. R – Letter from DB Design & Environmental Review Committee to Sheriff Rupf dated May 19, 2008
6. R – Letter from Supervisor Piepho re: Sheriff's Budget dated May 13, 2008

#### K. FUTURE AGENDA ITEMS

1. **Review and Approval of 2008-2009 Operating and CIP Budgets – Scheduled for June 18, 2008**

Bob Mankin commented that he would be meeting with the county about the P-District issue and asked that it be put on the agenda. President Murphy-Teixeira asked that he advise the board after his meeting so that it can be put on the agenda at that time. Director Piepho asked that perhaps this could be combined with the agenda item of having John Cullen from the county.

Director Piepho asked for a general discussion of police services, latent powers, how to activate them, just a general discussion.

Carlos asked that there would be an update on the Fire District.

Ray Tetreault asked for a report on the Community Center, it was responded that there was no new action at this time. That it was in the hands of Hofmann Company to decide about the selection of property.

#### L. ADJOURNMENT

Director Piepho motioned to adjourn the meeting. Treasurer Knight 2<sup>nd</sup> the motion. The meeting was adjourned at 8:44 pm to the next regular meeting on June 18, 2008.

Lh 06/12/08



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DAPiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

June 18, 2008

1800 Willow Lake Road, Discovery Bay, California

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### REGULAR MEETING at 7:00p.m.

#### **A. ROLL CALL**

President Murphy-Teixeira called the meeting to order at 7:00 pm. She asked that the roll call reflect that Directors Knight and Piepho were absent. She then asked an audience member to lead in the Pledge of Allegiance, which he did.

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

An audience member commented about vandalism in Discovery Bay. She commented that her birdfeeder had been hit by a drive by vandal. She commented that the condominiums across the street from her are a mess. She lives on Marina Circle. Director Piepho arrived. Mike Welch from Lakeshore commented about the taxes that are being paid for extra police protection and asked for community support for their efforts to get those funds directed to Discovery Bay for police services. John Fritz commented about the confusion of the county codes for getting building permits. He also commented about the number of agencies that have to approve building and remodeling before a permit can be obtained.

#### **C. CONSENT CALENDAR**

1. **Minutes previous meeting(s) for May 21, 2008 & June 4, 2008** The minutes were held over to the next meeting.
2. **Various District Invoices** Director Piepho made a motion to approve the District Invoices. Director Doran 2<sup>nd</sup> the motion. General Manager Koehne asked that the invoice for monthly maintenance from Valley Crest be pulled from the Discovery Bay Lighting and Landscape #8 invoices. Director Piepho stated that his motion stands with the removal of the invoice. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

#### **D. CHAIR REPORT**

No report.

#### **E. DIRECTORS' COMMENTS**

Director Dove commented that the landscaping is dying off now that there is no rain. He commented that the sprinklers on Clipper are coming on with no consistency.

Director Doran – no comment.

Director Piepho commented that he would take the issue brought up by the lady in Public Comment to the next

Code Enforcement meeting. He also commented about the fact that the board is trying to get the County CAO to come to a meeting to explain how Discovery Bay's tax dollars are distributed, especially regarding police services. He also commented that in order to get approval for building in Discovery Bay that there are Home Owners Associations and the various Districts in the area as well as the county permit. He turned in the Code Enforcement Report, which is on file at the District Office.

**F. REQUEST FOR BOARD CONSIDERATION**

1. **Discuss and Take Action of Letter from Resident on Small Claims Court (Koehne)** General Manager Koehne presented to the board the information he had received at the Small Claims Court regarding this case. He stated that the defendant in this case had asked that the amount be cut in half and that he would pay it right away if it was. He also stated that he had told the judge that he could not make that decision so he has brought this back to the board for their decision. There was discussion about the reason for the claim against the defendant. Director Piepho made a motion that the board reject Mr. Jenkins request based on the following: "every year that he is aware of that the board has asked this property owner to maintain his property, he believes that his weeds were over twelve inches high, which we had filed complaints in writing, I am aware that year I specifically asked Mr. Reed to do that, which he did, that property is the entrance to our community, our community is obviously very concerned about aesthetics, and landscaping and yet we have a property owner that does not seem to care much about the condition of that property. I say that because I was just down there today. For over a year there is garbage and debris. It looks like there is a ladder and a gangplank for a dock laying on the property, which I will be turning into Code Enforcement at the next meeting, I do not think that the property owner has been responsible in maintaining that property and for not only the aesthetic reasons but obviously the fire danger reasons; I am here to state as a fireman, that he is lucky it did not catch a house on fire. I know that the homeowners along Cove Court were out there with hoses trying to extinguish that fire. It burned some of their plants and property as well and I do think that he is on the hook for the entire amount." Director Doran 2<sup>nd</sup> the motion. Director Dove commented that he feels the owner did not maintain his property. President Murphy-Teixeira commented that she felt that it would be an improper use of public funds to give this gentleman a break and that he was put on notice for the possibility of a fire with his weeds not being maintained. The motion passed. (4 ayes, 0 nos, 0 abstain)
2. **Discuss and Comment on Application from Pacific Development to Amend County Master Sign Program (Koehne)** General Manager Koehne presented this item to the board. Walter MacVittie commented that he felt that the Signature Café sign is pushing the line on product advertising more than the other signs. The board had only the one comment about the Signature Café being a little borderline gray area.
3. **Discuss and Approve Purchase of Portable Sampler Equipment for Wetlands Project (Koehne)** General Manager Koehne presented this item to the board. Director Doran motioned to approve the samplers not-to-exceed \$19,000.00. Director Piepho 2<sup>nd</sup> the motion. General Manager Koehne commented that staff has applied for a grant to reimburse the district on this wetlands trial project. Mrs. Richardson asked the purpose of the Wetlands project and if there was a cap on the amount of funds that would be spent on this project. General Manager Koehne explained the purpose of the trial and stated that the board had approved \$250,000.00 to \$300,000.00 for this trial. The motion passed. (4 ayes, 0 nos, 0 abstain)
4. **Discuss and Possible Action on Letter to Safeway and Longs regarding Pharmaceutical Products for Wetlands Project (Koehne)** General Manager Koehne explained the issue of pharmaceutical products being in the wastewater. He stated that he would like the board's approval to send a letter to these two companies to ask for information to help in this research. Director Piepho made a motion to write the letter and have the board president sign it and send it. General Manager Koehne stated he would bring it back to the board for approval. Director Dove 2<sup>nd</sup> the motion. President Murphy-Teixeira asked that General Manager Koehne send her a draft. The motion passed. (4 ayes, 0 nos, 0 abstain)
5. **Discuss and Possible Action on Painting of Various Sound Walls in Landscape Areas (Reed)** Landscape Manager Reed presented this item to the board. After discussion the board gave direction to staff to take this to Contra Costa Community Development on possible ways to handle this situation and to ask legal counsel for their opinion. Legal commented that the board would need to have this power and with the power there also has to be a revenue source. He also commented that the district could go to LAFCo and ask that the power for Graffiti Abatement be given to the board, but that LAFCo would not

approve the power without a revenue source.

Treasurer Knight arrived.

6. **Discuss and Approve District Landscape & Lighting 2008/2009 Year Operating & Capital Improvement Project Budgets (Reed)** Landscape Manager Reed presented the District Landscape and Lighting #8 budgets to the board. He also presented the over 100% explanations for the 2007/2008 budgets. Director Dove motioned to approve the revenue and expenditure budgets for 2008/2009 for Park District #8 with the amendment of grounds maintenance being increased to \$189,000.00. Director Piepho 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

Landscape Manager Reed presented the District Landscape and Lighting #9 budgets to the board. Director Piepho made a motion to approve the budget for District Lighting and Landscaping #9 2008/2009 at \$83,590.00. Treasure Knight 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

7. **Discuss and Approve District's Water & Sewer 2008/2009 Year Operating & Capital Improvement Project Budgets (Koehne)** General Manager Koehne presented the over 100% explanations for the 2007/2008 budgets to the board. Director Dove asked staff to see if the loan with Municipal Finance could be paid off early and save some money on interest. Director Piepho asked staff to show the board a budget trend or philosophy for the past few years. General Manager Koehne commented that he had put \$50,000.00 in the Operating Budget for benefits per the board's request. Director Piepho made a motion to approve the 2008/2009 Budget with the amendments of up to \$6,000.00 for the website account, and add \$30,000.00 for the purchase of the water meter person vehicle on the Capital budget. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

#### **G. GENERAL MANAGER REPORT**

General Manager Koehne reported on the sewer issue at Lift Station F. He reported on a demonstration of a Vac Truck. He reported on a water leak at a residence on Tuesday. He reported on a decrease in the insurance premium. He reported on the completion of the Golf Course Valve Station. He reported on the completion of the lift station at the Old River Elementary School. He reported on the LAFCo approval of the annexation of the Old River Elementary School. He reported on the wetlands and the fact that they will be installing the test equipment in the next couple of weeks. He reported that this coming Saturday there would be a hazardous waste pick-up at the Discovery Bay Elementary School.

#### **H. LEGAL COUNSEL REPORT**

No report.

#### **I. CORRESPONDENCE**

1. R – Letter from Supervisor Piepho with regards to Potential Changes to the Federal Flood Insurance Program - May 28, 2008
2. R – Highway 4 Bypass Committee Meeting Minutes for April 10, 2008 and May 8, 2008
3. R – Transplan Committee Meeting Minutes for April 10, 2008
4. R – Letter from Supervisor Piepho on Shoulder Widening of Byron Highway – June 4, 2008
5. R – Draft of East County Action Plan for Routes of Regional Significance from Department of Conservation & Development – May 29, 2008
6. R – CCC Aviation Advisory Committee Meeting Minutes of April 15, 2008 and May 20, 2008

#### **J. FUTURE AGENDA ITEMS**

Director Piepho asked for a recycle bin to be placed in the front for directors.

General Manager Koehne commented that the next meeting would be the 10 year anniversary so staff would be keeping the agenda items to a minimum for that reason.

#### **K. ADJOURNMENT**

Director Piepho made a motion to adjourn the meeting. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

The meeting was adjourned at 9:07 p.m. to next Regular meeting of July 2, 2008.

Lh06/26/08



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

**July 2, 2008**

**1800 Willow Lake Road, Discovery Bay, California  
REGULAR MEETING 7:00 P.M.**

**Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)**

President Murphy-Teixeira asked for a moment of silence for Eric Nunn and his family.

### **A. ROLL CALL**

1. President Murphy-Teixeira asked that the roll call reflect that all directors were present.
2. Ray Tetreault led in the Pledge of Allegiance

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

John Fritz asked to thank Bob Doran for his service to the community over the years.

### **C. AREA AGENCIES REPORTS / PRESENTATION**

1. **DEPUTY SHERIFF /MARINE PATROL REPORT** Lieutenant Burton was not in attendance. Sergeant Powell presented the Marine Patrol report. He reported that Boating Under the Influence (BUI) is up. He reported on two accidents in the Discovery Bay area. One was an injury accident on Indian Slough and that it was a BUI. He reported that they had contacted approximately 4 people in the no tow zone and one of those turned out to be a BUI. He reported that out of 137 vessel inspections 105 passed, with 32 failing. He reported that there had been three thefts and burglaries, two stolen vessels, and they are looking for a Honda 9.9 HP four stroke outboard engine. He reported that they are dedicating 2 vessels to the Discovery Bay area for the Fourth of July weekend. He reported that there was zero tolerance for BUIs. He reported that there had also been an accident in which the driver had lodged his boat in the railroad trestles of the Orwood Bridge and that the driver's alcohol level an hour and a half after the accident was .27.
2. **CHP REPORT** Officer Taylor reported about the new Hands Free Cell Phone Law. He passed out a flier that has question and answers about the new law. He reported that if you are a commercial drive that requires a Class A or Class B license you are allowed to use the walkie-talkie part of a Nextel phone and also you are allowed to use the CB radios. He reported that in 2011 they will be making the use of two-way radios also illegal. He reported that you can use your speaker phone. He reported that in the month of May in the Discovery Bay residential area there were 35 tickets written, of those 4 were for speeding, 3 stop signs, 7 seat belts, 11 registration, and 4 DUI arrests. He reported that on Highway 4 in the Discovery Bay area they wrote 32 tickets; 7 for speed, 2 registration, 6 for length of big rig trucks, and 4 DUIs. He reported that on Vasco Road they wrote 74 tickets; 50 for speed, 6 DUIs, 4 seat belts and 3 registration.



3. **FIRE DISTRICT REPORT** No one in attendance.

4. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT**

Supervisor Piepho reported that she had gone to Sacramento about the crisis of the California Delta and the water being sent down south. She asked the audience to write their legislature to tell them that the Delta cannot afford to have any more water removed. She reported that she was working with the Sheriff's Department and Public Works about the video surveillance system for Discovery Bay. She reported that they are working on the P-District funding and the return to source issue. She commented that Contra Costa is a zero tolerance county in regards to fireworks and that fireworks are illegal. She reported about the East County Trails Master Planning and that it is still a work in progress. She reported about the Fire Districts local governing structure and that it is still in progress and has come back to the Board of Supervisors. Director Dove asked when there would be some resolution on the P-District issue. Supervisor Piepho responded that they are working with the County Counsel office on the way to redistribute those funds back to source. There was discussion about how Blackhawk and Alamo had handled this in their area. It was asked if the funds could be handled by the CSD. Supervisor Piepho responded that in Blackhawk and Alamo there is an advisory board for their police services. Jeff Barber asked if the funds that are from the P-Districts are incremental to the other funds that the Sheriff's office receives. Supervisor Piepho responded that she was not sure of the specific answer but the Sheriff's budget continues to increase each year and that the Sheriff receives 100 percent of P-District revenue and a significant portion of the General Fund revenue. Supervisor Piepho commented that she would check with the County Administrator to verify if the P-District funds are incremental to the Sheriff's revenue. Jeff Barber commented that the community and the CSD Board have been asking for John Cullen to come to a CSD board meeting. Supervisor Piepho responded that they are working to get him to come to a CSD meeting. Bob Mankin commented that he had found that the P-District is just lumped into the revenue of the Sheriff's office and that the Sheriff's CFO has been instructed to no longer talk to him. Michael Greggans commented that at one point the CSD Board had wanted to have a seat on the Board of the Fire District and is it still a possibility that we will be able to have representation. Supervisor Piepho replied that at this time the Board of Supervisors has not made a decision as to how the Fire District governance will be handled.

5. **STATE ASSEMBLY GUY HOUSTON'S REPORT** No one in attendance.

D. **DISTRICT FINANCIAL REPORT**

General Manager Koehne asked to have this on the next meeting.

E. **CONSENT CALENDAR**

Legal Counsel explained that the directors may vote or abstain minutes of a meeting that they did not attend. He also commented that there could be an overall vote on the Consent Calendar, and when a director is called for their vote they can say that they vote yes on the Consent Calendar but abstain from Item 1, 2, or 3, for example. Director Piepho commented that there is not a specific law that requires the director to vote or not.

1. **Amended Minutes of previous meeting on May 7, 2008** Director Doran motioned to approve the minutes of May 7, 2008. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 Ayes, 0 nos, 1 abstain)
2. **Minutes of previous meeting on May 21, 2008** Director Piepho motioned to approve the minutes of May 21, 2008. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 Ayes, 0 nos, 0 abstain)
3. **Minutes of previous meeting on June 4, 2008** Director Dove motioned to approve the minutes of June 4, 2008. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (4 Ayes, 0 nos, 1 abstain)
4. **Minutes of previous meeting on June 18, 2008** Director Piepho motioned to approve the minutes of June 18, 2008. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 Ayes, 0 nos, 0 abstain)
5. **Various District Invoices** Director Piepho motioned to approve the Various District Invoices. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 Ayes, 0 nos, 0 abstain)

Director Dove commented that he would like to see the account 7300 split up into the actual repair of the streets. There was discussion about the possibility of a sub category.

F. **COMMITTEE/LIAISON REPORTS**

1. **East County Planning Report** Walter MacVittie reported that they had met about East Contra Costa Irrigation moving their building. The building was approved with the stipulation that they do not sub-let

it. He also reported that he was reappointed the chair of the East County Planning Commission with the recommendation to the Board of Supervisor that he remain on the Commission for another two years. He reported that the next meeting would be on July 14, 2008. John Fritz asked if there was any development pending in our area. Walter responded that the only one he knew about was the Pantages Project.

2. **Trans-Plan Report** Walter MacVittie reported that the next meeting is on July 10, 2008. They will be discussing the East County Action Plan.
3. **Code Enforcement Report** Director Piepho reported that he had taken three comments to the meeting; one was issues on Marina Circle. He reported that the new Code Enforcement Officer Patty Cookson had made a sight visit and would be following up. He reported that the second issue was the truck parking off of Bixler by the cross walk. He reported that there had been No Parking signs put up and the Sheriff will be sighting the vehicles until they do not park there anymore. He reported on the third issue about more boats and recreational vehicles being in Discovery Bay recently and that the Code Enforcement Officer is aware of it and they will be giving extra attention to that. Walter MacVittie commented about the truck parking in the Lakeview Business parking lot with the signage on it. Director Piepho commented about the parking lot also having the tenants dumpsters out in it and stated that he would forward this to Code Enforcement.
4. **Rec. 800 Report** Ray Tetreault reported that they had hired a company to do a community outreach for Reclamation District 800. He reported that they are working on their website and a mailer also. Director Piepho asked if staff could get the name and information of the company they are using for their outreach program. Ray Tetreault responded that he did not think that would be a problem.
5. **Special Districts Report\*\*** No report.
6. **Los Vaqueros Expansion Report** General Manager Koehne reported that the contract to build the pump station on Victoria Island had been awarded. He also reported that they had awarded a contract to Independent Construction to build a road out to the pump station. He reported that the bids are due on Monday for the pipeline construction that will come under Old River and tie into the old pump station. He commented that there will be a lot of truck traffic on Highway 4 toward Stockton from this construction work.

**\*\*These meetings are held Quarterly**

#### **G. DIRECTORS' COMMENTS**

Director Dove commented that he had received letters from Mr. Richardson. He referred to the letter of February 12, 2008 that was addressed to Director Piepho, but sent to the Town. He commented that it was about the landscaping under the board's jurisdiction being rather bad. He asked if the letter had been responded to. General Manager Koehne responded that he thought it had. David Piepho stated that he had spoken to him that afternoon.

Director Doran commented that he would like to acknowledge a few people. He acknowledged Barbara Slifer in attendance for her late husband former board member, Bill Slifer. He acknowledged Pete Leopold who had run for the board, and is now living in Texas and has cancer. He acknowledged John Fritz who was a petition person for the origin of the Community Services District (CSD).  
Treasurer Knight – no comment.

Director Piepho made a motion to have staff bring back to the board a presentation of the information he receives from the vendor that is helping Reclamation 800 with their outreach program. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

#### **H. GENERAL MANAGER'S REPORT**

General Manager Koehne reported that during a test drive of a Vac Truck one of the clay pipes had collapsed while being pressure washed. He reported how they would repair it. He reported about meter connections and how they have to retrofit some of the meters. He reported that at the Reclamation District 800's south pump station a farmer's combine machine had stalled, rolled back down the levee, and into the major power panel at the pump station. He reported that Reclamation District 800 is now trying to flow the water north so that the pump station there can pump it out.

#### **I. CORRESPONDENCE RECEIVED & SENT**

No comments.

**J. NEW BUSINESS FOR BOARD CONSIDERATION**

1. **Presentation of Certificate to Resident John Fritz for his Contribution of the "CSD" Podiums to the District (Koehne)** General Manager Koehne explained that John Fritz had been instrumental in getting the CSD where it is today. He stated that one of John Fritz's hobbies is wood working and that he had taken his own time and money to make and dedicate the podiums for the Board of Directors meetings. He then presented John Fritz with the certificate.
2. **Presentation and Slide Show of the History and Accomplishments of the Town of Discovery Bay Community Services District (Koehne)** General Manager Koehne presented a slide show of the development of the Town of Discovery Bay CSD over the last ten years.
3. **Presentation of Certificates for Recognition to the Board of Directors Past and Present & to the Contra Costa County Board of Supervisors (Koehne)** General Manager Koehne presented certificates of recognition to all the board members past and present and to the Board of Supervisors. General Manager Koehne also presented a certificate of recognition to John Stovall, legal counsel. Calista Anderson presented a certificate of recognition to General Manager Koehne. General Manager Koehne showed a plaque that has been mounted on the wall of the district office with the names of the directors and the dates that they have served. He also thanked all the others that had helped the District get to the point they are at today, such as SouthWest Water Company, and many residents and vendors. Director Piepho commented that he would also like to thank the staff.
4. **Presentation by Board of Supervisor Mary N. Piepho, District III** Supervisor Mary Piepho presented to the Town of Discovery Bay CSD a resolution for the ten year anniversary. The resolution listed various accomplishments over the ten years. The resolution is on file in the District Office.

**K. ADJOURNMENT**

Director Piepho made a motion to adjourn the meeting. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain) The meeting was adjourned at 8:58 p.m. to next regular meeting on July 16, 2008.

Lh 07/10/08



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

July 16, 2008

1800 Willow Lake Road, Discovery Bay, California

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### REGULAR MEETING at 7:00p.m.

#### A. ROLL CALL

President Murphy-Teixeira called the meeting to order at 7:00 pm. She asked Liz Hardy to lead in the Pledge of Allegiance. She then asked that the record reflect that all directors were present.

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

Jeff Barber commented about following up with the County to get John Cullen out to a meeting regarding the P-District funds before he leaves office. Ray Tetreault commented that there was now a full agenda packet available at the meetings and he thanked staff. Bob Mankin commented that he would have information coming from the County about the flow of funds for the P-District.

#### C. CONSENT CALENDAR

Director Piepho made a motion to approve the Consent Calendar. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

#### D. CHAIR REPORT

President Murphy-Teixeira stated that she would not be in attendance at either the first meeting of September or the first meeting of October. She asked that if there are any important items that they not be presented at those meetings so that there will be no issue about having a quorum for the vote.

#### E. DIRECTORS' COMMENTS

Treasurer Knight had no comment.

Director Dove had no comment.

Director Piepho responded to Jeff Barber's comment under public comment. He stated that the board had made a written request for Mr. Cullen, the County Chief Financial Officer, to come to a Town meeting. He also commented that the board had asked the Supervisor for assistance in achieving this meeting and that she stated that she was working on that. He also commented about Director Dove at the last meeting bringing up letters from Mr. Richardson. He stated that it made him think about the amount of letters and who is paying for the time involved to read and possibly respond to the letters by not only staff, but also at times, legal staff. He stated that he did not have a clear knowledge of how many letters have been sent and the cost to the community. He made a motion to direct staff and legal staff to bring forward at a future agenda the cost, the amount and the average amount it costs this district to process one single letter. He clarified his motion to be that he would like to request for a future agenda that they direct staff to put together how much time is spent on

processing these letters (he motioned to the stack of letters from Mr. Richardson on his desk), what the procedure is, for our legal staff to give us a summary of what the total cost has been of processing these letters and what an average cost per letter is for at least the two years of 2007, 2008. President Teixeira-Murphy asked for clarification; was this motion for any letter? Director Piepho stated that his motion was for any of the correspondence that is outside of a lawsuit. He commented that Director Dove had brought up the letter from Mr. Richardson at the last meeting and that the district receives them regularly and that the bill would be getting pretty high and that it would be good for the board to know what that bill is. Director Doran 2<sup>nd</sup> the motion. Ray Tetreault asked if it was proper to make a motion under Directors Comments. Legal responded that this was acceptable. Pat Richardson asked what the reason for this motion was. She stated that writing a letter is the one thing that a citizen can do and that this was outside of the scope of what the board should do to try to silence someone that wants to bring a point of interest of people to light. Jeff Barber came to the podium and stated that he could not believe that this is singling out one person with the purpose of stifling who is expressing his right to communicate. Reyhan Shepherd commented that she had received letters from Mr. Richardson herself. She stated that these letters did not make any sense and that they are wasting the public's money this way. Bob Mankin stated that he wanted to respect peoples rights to write letters, he stated that he thinks the issue is the bar for reasonable. He stated that everyone can write letters and he stated that he did not hear anything about stifling but just about the cost, which is a piece of information, so the board and the community as a whole can make their own judgment about what is reasonable. He stated that this goes to a letter that he was a signature to regarding trying to get a different attitude in this building and the overall community to allow the board to operate in the most efficient manner possible with issues that are important to the community as a whole. Director Piepho stated that he did not say anything about stifling any community member merely that he wants to see the cost to the district. President Murphy-Teixeira commented that she would like to have the motion be a more generic cost of a public records request without singling out anyone. She stated that her reason was that when the district hired a new staff member, one of the criticisms in the paper was why the district was adding additional staff, so this would justify the need for the additional staff. There was further discussion about the wording of the motion. The motion did not pass. (2 ayes, 3 nos, 0 abstain)

**F. REQUEST FOR BOARD CONSIDERATION**

1. **Discuss and Comment on Home Occupation Use Permit Application for Medical Billing Services (Koehne)** General Manager Koehne presented this application to the board. The resident came to the podium and explained that she will not be having any foot traffic or vehicle traffic. She stated that this is strictly a home business that she will be doing on the computer. The board had no comment.
2. **PUBLIC HEARING to consider the following:**  
**Continued Collection of Sewerage and Water Service Charges on County Tax Roll for the 2008-2009 Year with the Approved Annual Consumer Price Index Increase of 3.0%, Determination whether Majority Protest Exists, and if not, Adoption of District Resolution No. 2008-07** There were no public comments.
3. **Adoption of Resolution No. 2008-07 to Continue Collection of Sewerage and Water Service Charges on the County Tax Roll for the 2008-2009 year with the Approved Annual Consumer Price Index Increase of 3.0% (Koehne)** Director Piepho made a motion to adopt Resolution No. 2008-07. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
4. **Discuss and Approve Ballot Measure Packet for DB #8 Appropriation Limit Election (Reed)** Landscape Manager Reed presented this item to the board. He explained that this was similar to the Appropriation Limit issue from last year and that this would not have to be done for another four years after this time and then every four years after that. Treasurer Knight asked for an explanation of the Appropriation Limit. Landscape Manager Reed explained that it was a cap on what could be given to the district from the property taxes. Treasurer Knight made a motion to approve the Ballot Measure for DB #8 Appropriation Limit. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
5. **Discuss and Approve Resolution No. 2008-08 Appropriation Limit Election for 2008/09 through 2011/12 (DB8) (Reed)** Landscape Manager Reed presented this item to the board. Treasurer Knight made a motion to approve Resolution No. 2008-08 Appropriation Limit Election for 2008/09 through 2011/12 for DB #8. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
6. **Discuss and Approve Letter to Safeway & Longs Drug Stores re: Pharmaceuticals (Koehne)** General Manager Koehne Explained that he had brought this item up at a previous meeting and that he

has now brought back the draft letter for the boards comments and/or approval. Director Dove commented that this could be a privacy issue and wanted to be sure that the board covers their bases. Director Piepho motioned to approve the letter. Jeff Barber commented that the letter should be more specific about the top ten pharmaceuticals: do you want them by prescription, volume, or dollar. He commented that something that may not be in a large volume may be more toxic than something else that does get sold in a large volume. He also commented that a lot of people get their prescriptions by mail and that maybe the National listing would be more accurate. John Jewel commented that staff could look at the data sheets on the prescriptions to see how the drugs break down. General Manager Koehne responded that they would be doing that with the Berkeley University. Director Piepho commented that staff might want to put in a caveat asking the pharmacist if he could also give us any heads up of drugs that he considered more toxic than others that maybe didn't show up in the top ten. Director Piepho restated his motion with the addition of being a little more specific, specifically the volume, to let them know what we are looking for. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

7. **Discuss and Possible Action on "One-Time" Water Meter Charges (Koehne)** General Manager Koehne explained that this is the cost of the electronic register and the firefly that sends the data to the district for reading and billing. He explained that the first 62 users will have a cost of approximately \$124.00 each. He explained that staff would like to know if the board would like to spread that cost over a few months or should it be a one time charge to the homeowner. He further explained that the Lakes have the same set-up, but then Lakeshore has a different type of set-up with their water meters so their cost would be approximately \$230.00. He explained that Village 1's costs would be similar to Lakeshore. He stated that Ravenswood would be similar to the Lakes. He then explained that the Centex homes would need to have the water meters replaced and then adapted; their cost would be approximately \$170.00 for the new water meter and then \$107.00 to adapt it for electronic reading. President Murphy-Teixeira stated that she would like to see the cost spread out. Director Dove asked what could be done to add it into the rates since the economy is so hard on people. Director Doran commented that he felt it should be spread out. Director Piepho commented that he would also like to see if it could somehow be built into the districts costs so that it would be felt less and also would be more likely to be collected. Director Piepho asked legal if it would be okay to increase the rates to absorb this retrofitting. Director Piepho asked that staff bring this back to the board with the actual amounts that the rates would change if the district were to absorb the cost. Treasurer Knight commented that she felt it would be more straight forward to bill the homeowner for the cost of the meters since they are different in different areas and then offer them the option to spread it out over a period of time. Bob Mankin commented that he would like to see the cost absorbed by the district. John Jewel asked why the developers and the county were not required to install the most current meters at the time of the developments. General Manager Koehne commented that the most current meters were installed at each development. Jeff Barber commented that he did not think that the district should start metering this way and work through the community in sections. He stated that everyone should conserve on their own and that the district should only start billing by meters at the drop dead date in 2010. Rich Kier commented that it would be a difficult issue to have to calculate how the cost would be spread out from the different types of meters throughout the community. He stated that he agreed with treasurer Knight that it would be better to bill the homeowner for their particular cost and offer them the option of spreading it out over a period of time. Director Piepho made a motion to direct staff to bring this back in the various forms so that the board can look at it again and make an informed decision. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
8. **Discuss and Approve Loaning Reclamation District 800 One (1) Spare Electrical Cabinet no to Exceed Six (6) Months (Koehne)** General Manager Koehne reported that Reclamation District had lost a pump station from an accident. He reported that a farmer's combine had run into it and it will be a while before they will be able to get a new electrical cabinet. He stated that electrical cabinets are built to specifications and take a while to get. He commented that we have a spare electrical cabinet that is from a retrofit done on the Newport Lift Station. Director Piepho asked if the district is loaning or renting the cabinet. General Manager Koehne stated that it would be rented. Legal commented that it has to be a benefit of the community, and that it has to be used for a purpose that we have power over. He stated that the Reclamation District's purpose is to keep the district from being flooded and we have flood control also but for dry levees so that is iffy. He recommended that the district would be better off by charging

for the usage of the electrical cabinet something like \$75.00 to \$100.00 per month. Director Dove asked if we could sell them the cabinet. General Manager Koehne commented that Reclamation District 800 would have to retrofit the unit for their purposes and that staff would like to keep it as a spare for the district in case of an emergency. Director Piepho made a motion to draw up the necessary paperwork and approve renting this cabinet to Reclamation District 800 for \$75.00 per month for up to six months. Director Dove 2<sup>nd</sup> the motion. Ray Tetreault came to the podium and commented that he felt that the board should loan or only charge a nominal fee of \$1.00. He stated that the Reclamation District 800 would have to charge it back to the residents and that this would be benefiting the community and does not cost the district anything. Another audience member asked what would happen if our cabinet went out while they were borrowing ours. General Manager Koehne responded that the district has generators and that Reclamation District 800 does not have generators. Director Piepho withdrew his motion and restated his motion to be that the rent is only \$1 per month for up to six months. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

**G. GENERAL MANAGER REPORT**

General Manager Koehne reported the June Hazardous Waste pick-up at the Discovery Bay Elementary had been the biggest so far with 260 cars bringing in waste. He reported that there had been an electrical failure at Pump Station F and he explained the repair. He reported that there have been a couple of homes where the water has been shut off because of the foreclosures. He reported that we do not turn the water back on unless someone is present at the house. He reported that at one home a realtor wanted the water turned on and the home did in fact have the sink clogged up and the water was running. He commented that since staff does it this way, the realtor was able to check the house and find the issue with the sink and there was no problem. Had they not gone into the house the water would have overflowed and caused damage. He commented that there had been another house with the water shut off that had a water heater that was leaking. He reported that there is more testing going on at the Wetlands. President Murphy-Teixeira asked if residents were interested in seeing the Wetlands, would staff give them a tour. General Manager Koehne responded that he would.

Landscape Manager Reed reported that there had been damage at Slifer Park. He reported that kids had broken several sprinkler heads. He reported that they will be repaired tomorrow at a cost of approximately \$800.00. He reported that there had been repairs done to the planters on Willow Lake Road. He reported that there had been repairs in several areas of groundcover on Discovery Point and also other areas. He reported that the 10<sup>th</sup> year anniversary pictures were of some maintenance that had been done and not a complete retrofit. Treasurer Knight asked for a report of the progress of the small projects that had been approved on this budget. Landscape Manager Reed responded that he was meeting with an architect about those projects tomorrow.

**H. LEGAL COUNSEL REPORT**

Legal reported that he would be asking staff to put on the next agenda to have the board form a committee and have legal counsel work with county counsel to correct the ambiguities in the Draft report of the MAC. He reported that Assembly Bill 1137 had been passed with an urgency statute and it has to do with foreclosures. He reported that it adds a section to the civil code that specifically gives a local governmental entity the power, with appropriate notice, to request any property that has been foreclosed on or bought out of foreclosure and is not being maintained to do the maintenance or have a levy of \$1,000.00 per day fine. He commented that this would apply to the district for leaks on the property and dry levee maintenance. He reported that the developers now have another year to file final maps of subdivisions.

**I. CORRESPONDENCE**

1. **R – Hwy 4 Bypass Committee Meeting Minutes for June 12, 2008**
2. **R – Transplan Committee Meeting Minutes for June 12, 2008**
3. **R – Draft Minutes of Contra Costa Special District Association Meeting of April 21, 2008**
4. **S – Letter to CCC Conservation & Development on Safeway Sign Remodel – June 23, 2008**

**J. ADJOURNMENT**

Director Doran made a motion to adjourn the meeting. Treasurer Knight 2<sup>nd</sup> the motion. The meeting was adjourned at 8:29 pm to next Regular meeting of August 6, 2008.



# TOWN OF DISCOVERY BAY CSD

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

August 6, 2008

1800 Willow Lake Road, Discovery Bay, California

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### Board Members

President-Shannon Murphy-Teixeira	<a href="mailto:smt@politician.com">smt@politician.com</a>
Vice President-Bob Doran	<a href="mailto:dbredbob@sbcglobal.net">dbredbob@sbcglobal.net</a>
Treasurer-Patty Knight	<a href="mailto:plhewitt@us.ibm.com">plhewitt@us.ibm.com</a>
Director-David Piepho	<a href="mailto:DApiepho@sbcglobal.net">DApiepho@sbcglobal.net</a>
Director-Dave Dove	<a href="mailto:ddove@sbcglobal.net">ddove@sbcglobal.net</a>

### SPECIAL MEETING at 6:00p.m.

- A. **CLOSED SESSION: GOVERNMENT CODE § 54957**  
**Public Employee Performance Evaluation: General Manager**
- B. **Report on Closed Session** - President Murphy-Teixeira stated that there was no reportable action taken.

### REGULAR MEETING at 7:00p.m.

#### A. ROLL CALL

President Murphy-Teixeira called the meeting to order. Director Knight was absent. Liz Hardy led in the Pledge of Allegiance.

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

Resident Bill Klipp commented about signs on the corner of Willow Lake and Marina Roads. He stated that these signs do not look good and that they do not conform to the signage in Discovery Bay. He also commented about a prominent sign regarding "No Towing" and why should it be there when it does not conform to any other surrounding signs. Also, why it is there when there are no signs about parking your RVs or boat trailers, etc. on the streets. He also commented about the sign at the end of the Marina levee going out to fast water. He stated that the sign is worn, the paint is bad, and it does not represent several of the current stores at the Marina. Walter MacVittie commented on how the Board handles Closed Meetings. He stated that he felt these were not being done correctly and he gave the Board a copy of the Brown Act about this subject. He commented that most of the audience was not in the office and seated to be able to hear the Report on Closed Session. President Murphy-Teixeira gave the Report on Closed Session again.

\*\*Ray Tetreault gave his Reclamation District 800 report. He stated that the district is having the levees evaluated for problems. He stated that there are three types of levees in the district; a dry land levee, an urban levee and an agricultural levee. He explained the differences in these levees. He reported that four thousand feet of the dry land levee needs additional height to meet federal guidelines. He reported that the district is working with their engineers to design the improvement which will cost approximately \$2 million dollars. He stated that these guidelines are based on the current 100 year flood plain specifications issued by FEMA and the Army Corp of Engineers and that these specifications are being evaluated because of the damage from Katrina and other flooding that has taken place. He reported that the urban levee needs about 500 to 1,000 feet of additional height to meet federal guidelines. He reported that the agricultural levee is in 100 percent of compliance with the federal requirements. For any specific information about the levee work Reclamation District 800 can be contacted. He reported that they are also working on their website and that it should be up soon. That website will be [RD800.org](http://RD800.org). Jeff Barber commented about the sewage spill in the Lakeshore Development. He asked that there be a report during the meeting about what happened and how it can be alleviated in the future.



C. **AREA AGENCIES REPORTS / PRESENTATION**

1. **DEPUTY SHERIFF /MARINE PATROL REPORT**

Lieutenant Burton commented that he did not have the usual report due to lack of staff. He reported about their website crimereports.com which is used to keep the public more informed about what is going on. He stated that the reports on the website are only from the initial report taken not from the follow up investigation. He asked how the community felt about the coverage during the Fourth of July. He stated that they had received several comments from the community and that more were positive than negative. He reported that Deputy Kay had retired and that there was a new School Resource Officer, Deputy Steve Harrison. He stated that he would bring him to the next meeting to introduce him. He commented about the party houses, homes being rented for a night or a weekend. He stated that there is nothing in the law that prohibits them from doing that. Director Piepho commented that the County is working on this issue. He reported that September 13<sup>th</sup> Knightsen will be having their Car Show and also Orwood will be hosting a Ski Show. He stated that both events are expecting a thousand people to attend.

Lieutenant Duke passed out the report of the Marine Patrol for the month of July. He went over the report. He commented that the purpose of the Marine patrol is to protect life and property on the waterways of this county. He stated that this month had exacted a toll on their patrols similar to what was felt in the community from the accidents and lost of life that had been experienced this past month. He reported that the statistics this year so far for Boating Under the Influence have surpassed the statistic back to 2004. He reported on the two accidents that had happened in July. There was discussion about legislation of safety education. Director Piepho commented that perhaps the board could write a letter of support for the legislation of safety education. Lieutenant Duke then went over the year to date statistics. He commented that if the numbers continue as they are going they will break any records that they have had in the past. He commented that they are working on education throughout the county.

2. **CHP REPORT** Officer Taylor gave two months of statistics. June 2008 – Vasco Road had a total of 59 tickets; 39 were for speeding, 3 were for Driving Under the Influence (DUI). Highway 4 from Brentwood City Limits to Old River Bridge had a total of 21 tickets; 7 were for speeding, 2 for trucks over length. Residential Discovery Bay, Discovery Bay Boulevard and Bixler Road, had a total of 28 tickets; 5 were for speeding, 0 DUI arrests. July 2008 – Vasco Road had a total of 71 tickets; 46 were for speeding, 2 DUI arrests. Highway 4 had a total of 18 tickets; 2 were speeding, 2 were DUI arrests. Discovery Bay Residential had a total of 23 tickets; 6 were for speeding, 4 were DUI arrests. He reported on a Hit and Run accident that had happened the previous weekend. He reported that the driver was under the influence.
3. **FIRE DISTRICT REPORT** Battalion Chief Hemlick reported that the two fire stations in Discovery Bay had a total of 86 calls for the month of July; 29 for Discovery Bay proper and 14 for Discovery Bay West; 3 vegetation fires. He commented that there was a spike in structure fires; 2 in Discovery Bay proper and 9 out of the Discovery Bay West Station. They had a spike in Auto and Boating accidents also with a total of 6. He commented that their new Fire Boat would be here the end of August and it will be berthed in Bethel Island.
4. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** Karyn Cornell from Supervisor Piepho's office reported that the final draft of the East County Trail Master Plan would be coming out in the next couple of weeks for comment. She reported that they are working on the transfer of the Lighting and Landscape Districts to the CSD. She reported that Code Enforcement had been receiving a lot of calls about the parking of boats, trailers and RV's in driveways. She stated that if there were questions or reports Code Enforcements number is 427-8850 and the Code Enforcement Officer is Patty Cookson. She reported that they are working on the one-day rentals and that Code Enforcement is working with them on that. She reported that at the August 20<sup>th</sup> CSD meeting Supervisor Piepho has requested that staff from the Public Works department attend to discuss the Neighborhood Traffic Program. She reported that they are having a meeting with Lieutenant Burton regarding the dual events on September 13<sup>th</sup> to be sure everything goes smoothly. President Murphy-Teixeira commented that on Balfour Road the ditches need to be marked because it is a safety hazard.
5. **STATE ASSEMBLY GUY HOUSTON'S REPORT** No one in attendance.

**D. DISTRICT FINANCIAL REPORT**

General Manger Koehne reported that the Town of Discovery Bay has \$2.9 million; with \$3 million in reserves. He reported that Discovery Bay Lighting and Landscape District #8 has \$1.1 million. He reported that Discovery Bay Lighting and Landscape District #9 has \$157,000.00. Director Dove asked about the miscellaneous income that has brackets around \$86,000.00. General Manager Koehne responded that he would find out about that.

**E. CONSENT CALENDAR**

Director Doran motioned to approve the Consent Calendar. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

**F. NEW BUSINESS FOR BOARD CONSIDERATION**

**1. PUBLIC HEARING to consider the following:**

**Continued Collection of Assessments, at the Same Established Rate on County Tax Roll for Ravenswood Landscape, Park, Lighting and Open Space Improvements District (DB L&L #9) for Fiscal Year 2008-2009 (Koehne)** General Manager Koehne explained that the engineer report that was done recommended that the assessment be continued, as is, with no increase or decrease. He commented that the district is looking at putting a restroom in that park and letters have been sent out to residents in the area for their feedback. He reported that, at this time, two home owners have responded that they object to the park. President Murphy-Teixeira opened the issue to Public Comment. Jeff Barber asked who would pay for the restroom at the park. General Manager Koehne responded that the expense would come out of the Lighting and Landscape District #9 funds. Jeff Barber commented that the subdivision agreement and that past minutes should be reviewed because he felt that the developer put money into the agreement for restrooms and that those funds are currently being held in the Community Center funds. Walter MacVittie commented that any agreement that the Town had made with the developer for the Community Center had nothing to do with any agreement that Community Development had with the developer for Conditions of Approval. Ray Tetreault commented that he had been on the board at that time and there had been so much trouble with graffiti at the parks that they had not wanted a restroom. President Murphy-Teixeira closed the Public Hearing.

**2. Discuss and Approve Resolution No. 2008- 10 to Accept Engineers Report for Ravenswood Improvement District (DB L&L #9) for Fiscal Year 2008-2009 (Koehne)** General Manger Koehne explained this item and the next item. Director Piepho made a motion to accept the 2008-2009 Engineer's report. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

**3. Discuss and Approve Resolution No. 2008- 09 to Continue Collection of Ravenswood Improvement District (DB L&L #9) Assessments on County Tax Roll (Koehne)** Director Piepho made a motion to approve resolution number 2008-09. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

**4. Discuss and Consider Eliminating Annual Usage Fee for Certain Undeveloped Lots within Discovery Bay West (Koehne)** General Manager Koehne explained the item. He reported that out of the 569 lots that a developer is asking to have removed from the County Tax Roll, 289 lots are developed and 280 lots are undeveloped. Director Piepho made a motion to continue charging the 289 lots on the Tax Roll. Director Dove 2<sup>nd</sup> the motion. Director Piepho asked if the flat fee is still valid since it has been the same amount for many years. General Manager Koehne commented that over the last ten years the rates have been reviewed that the rate is viable. He also reported that there is going to be another rate review study planned around February or March of 2009, depending on when our NPDES permit comes in. The motion passed. (4 ayes, 0 nos, 0 abstain)

**5. Discuss and Possible Action on Cost of Living Increases for District Staff (Koehne)** General Manager Koehne stated that he was not prepared for this item and asked that it be tabled. President Murphy-Teixeira tabled the item.

**6. Discuss and Select One Candidate for California Special Districts Association 2008 Board, Region 3, Seat C (Koehne)** General Manger Koehne presented this item to the board. Director Piepho made a motion to nominate Stan Caldwell. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

**7. Discuss and Comment on Development Plan Application to Modify Conditions of Approval for File #**

**DP01-3032 (Safeway Fuel Station) (Koehne)** General Manager Koehne presented this item to the board. He stated that the item is currently in existence and that he is not clear why there is a modification of approval. He stated that he did not see any impact on the District. The board agreed to comment.

8. **Discuss and Consider a MOU with the City of Brentwood to Mutually Pursue Testing of Brentwood's Biosolids at TODB's Facility (Koehne)** General Manager Koehne asked that this item be tabled. He stated that he and legal staff had gone over this and that they have changed the wording.
9. **Discuss and Appoint Director and an Alternate to Represent District, Related to Parks & Landscaping (Koehne)** General Manager Koehne presented this item to the board. Director Dove stated that he would like to be on this committee. Director Piepho also stated that he would like to be on the committee. Director Doran made a motion that the board appoint Director Dove and Director Piepho to represent the district related to Parks and Landscaping. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
10. **Discuss and Possible Action to Direct Staff to Generate a Report on Costs to Review and Handle Correspondence from the General Public (Piepho)** Director Piepho presented this item to the board. He stated that the community has the right to know what the costs are. Director Piepho stated that he does not wish to limit any individual's right to submit correspondence, that this is simply a financial report. Director Dove asked what the process is to handle correspondence. General Manager Koehne explained the process. President Murphy-Teixeira explained her understanding from a legal perspective of the handling of correspondence with a possibility of legal issues. Legal counsel also explained that he also receives correspondence directly that he has to review. John Fritz commented that he would like to know how much the general correspondence cost, not to deny people to ask for information. An audience member commented that he felt the board has the responsibility to report what the costs are, not to jump to conclusion as what is the use of that information. Mr. Greggans commented that he would ask that this information not be used to leverage people not to continue with their communications. Bob Mankin commented that there were many letters, not a casual letter from one individual. He also commented that the individual has the right to correspond, but that the community also has the right to know what the costs are. Mike Welch commented that he had no idea that the amount of money was being spent on the correspondence and that he respects his right to send letters, but that the board has the responsibility to the tax payers in this community to put limitations on something like this when we have other problems in Discovery Bay that needs to be addressed. Carlos Tabarini asked if the amount of money being spent on correspondence was running over the amount budgeted and if it does where will the additional funds come from. John Jewell commented this is a hidden cost and should be put in the budget. Reyhan Shepherd commented that Mr. Richardson is wasting the money of the district for his personal satisfaction. She stated that this is the community's money and that the board has a responsibility to let the community know what that amount is. An audience member commented that you can not tell a resident that they cannot request information. The board responded that this is a financial report request, not to prohibit anyone from corresponding with the district. Jeff Barber commented that this is an attack on Mr. Richardson and that the information of how many letters have been sent and how many have been responded to is incorrect. He commented that if legal is receiving letters from Mr. Richardson that staff should simply tell legal not to open those letters and then the district will not be billed for those. He commented that this should have been budgeted for prior to the budget being approved. Walter MacVittie commented that this issue is about Mr. Richardson's letters and he commented that the board needs to sit down and settle this issue. Director Piepho made a motion to direct staff, both legal and Virgil, our clerical staff, to create a comprehensive written report on all costs, including legal costs, to review and handle correspondence from the general public over the last twenty four months. Director Doran 2<sup>nd</sup> the motion. John Fritz commented that he is paying taxes for services not for a correspondence department. An audience member commented that it would be irresponsible to tell our attorney not to open letters that involve litigation. Rich Kier commented that in the year 2007/2008 the district went over budget on the water/sewer repairs and that these costs are not near that amount. Mark Armstrong commented that he felt that this is a reasonable motion about the cost of responding to something that takes up a lot of time and all the time will not be addressed in a financial report but it is a step in the right direction. Bob Mankin commented that this is a punitive effort in nature, and it is about the ongoing litigation and that the cost has to be bourn. Ray Shepherd commented that there are so many negatives at these meetings and that we should set an example for the community for those that do not attend the meetings, and work things out, stick together. Judy Kier commented that the

district would not be receiving all these letters if they were responded to, she believes that only three have been responded to. She stated that she wishes that the board should settle the lawsuit. Jeff Barber commented about the managing of legal counsel and not waste money by letting the lawyers run it. He commented that the board should be more forthright in this situation. Walter MacVittie commented that if there is going to be a study that the litigation correspondence be separated from the rest. An audience member asked if it is necessary for legal to open all the letters he receives. Legal responded that he reads all the letters regarding litigation to be sure how to handle them. President Murphy-Teixeira responded that it would be irresponsible for staff to handle legal issues when they are not trained in that area. Ray Tetreault commented that the lawsuit has no request for monies. Mark Doran commented that the study will show the level of correspondence change and that things are being done correctly. Mike Welch commented that it is not about the lawsuit anymore, it has become personal. Mr. Shepherd asked the board to careful about the lawsuit because it could affect others in the community. Director Piepho commented that the board cannot discuss the lawsuit but the lawsuit is on the Contra Costa Court website. General Manager Koehne asked for clarification; the direct cost for ordinary correspondence, public records correspondence and not litigation type correspondence. Director Piepho responded; right, and that he is looking for staff time (all staff time) hourly and for legal cost. Director Dove commented that this type of data should be standard information, but the way that the board is going about it is incorrect. President Murphy-Teixeira commented that the community wants to know how much it is costing the board and that anyone has the right to write to the district. The motion passed. (3 ayes, 1 nos, 0 abstain)

#### **G. COMMITTEE/LIAISON REPORTS**

1. **East County Planning Report** Walter MacVittie reported that there is no meeting next week. He reported that the Board of Supervisors will be holding a hearing for the renewal of the East County Planning Commission and the San Ramon Regional Planning Commission.
2. **Trans-Plan Report** Walter MacVittie reported that there will be a meeting a week from tomorrow. He reported that the East County Action Plan is the main topic.
3. **Code Enforcement Report** David Piepho reported that there is a new Code Enforcement Officer, Patty Cookson. He reported that the resident on Marina Circle from a couple of meetings back has been assisted by Code Enforcement. He reported that the report is on file at the district.
4. **Reclamation District 800 Report** presented after Public Comment.
5. **Special Districts Report**\*\*Bob Doran reported that at the meeting it was stated that the Lighting and Landscaping monies would not be taken for the State deficit, but that in the Sacramento Bee today it stated that it would be taken. The body of the meeting was Cal Trust that handles the funding of Special Districts. He reported that he gave the information to General Manager Koehne.
6. **Los Vaqueros Expansion Report** No report.

**\*\*These meetings are held Quarterly**

#### **H. DIRECTORS' COMMENTS**

Director Doran – no comment.

Director Dove – no comment.

Director Piepho – commented that the Bill about the permits that might have been required for recreational boats was defeated.

President Murphy-Teixeira – reported that she had attended a meeting for a Park Dedication Fund Wish List with Director Piepho and General Manager Koehne. She explained that the County has received monies and they have put that into this wish list fund. She stated that they have found how to participate in receiving some of these funds to do projects in Discovery Bay. She commented that she would like to have another workshop and then have them regularly. She asked the board to look at their calendars for a date that would work for all, possibly September or October. She asked that they email dates to schedule the workshop.

#### **I. GENERAL MANAGER'S REPORT**

General Manager Koehne reported on a sign that had been taped over the Pacific Waterways sign regarding drugs sales. It has been removed. He reported that staff had put together a report about one time meter install costs. He handed that to the board to look at and see if this is what they are looking for. If it is what the board

wants, it will be brought back to a future meeting for discussion. He handed the board statistics on the new water meter program. The statistics show the water usage of the homes that are currently on the program. He reported he had attended a meeting about the movement of water from Northern California to Southern California. He reported that during the meeting there was discussion about the mandatory implementation of water meters and that the mandatory date may be moved up because of the drought situations. He reported that there had been a water leak on site between the district and the church property. He commented that there have been a lot of power issues that have been affecting the waste water treatment plants and the lift stations. He commented that they believe this is what caused the problem in the Lakeshore development. He reported that sewage backed up into the Lakeshore Lake. He reported that they feel it was approximately 10,000 gallons but he does not have the final report. He reported that it is contained in a 37 million gallon body of water and when staff gets the final report he will bring it to the board. He reported that they felt that a bird took out a power system and that tripped the system and it did not respond. He reported that they are looking at some devices to register the flows so that if the flows rise about a certain level it would trigger a signal of a problem. He commented that staff will bring it back to the board. Director Dove commented that there were comments from the public about communication of the spill. General Manager Koehne commented that they will be critiquing the handling of this issue when the reports come back. The president of the board at Lakeshore commented that they were happy with the response of the District to the spill. He commented that the fountain had not been turned off immediately because of the fact that the fountain aerates the water and that they turned it off when they felt it was appropriate. General Manager Koehne commented that perhaps staff could have made some signs to put out more around the area. It was marked at the lake area itself. President Murphy-Teixeira commented that it could be posted at the Gate since it is a gated community. Director Piepho commented that perhaps staff should generate a "lessons learned" report these issues arise.

**J. CORRESPONDENCE RECEIVED & SENT**

1. **R – Letter to CCC Public Works from Supervisor Piepho re: Video Surveillance within Discovery Bay – July 1, 2008**
2. **R – Letter from Supervisor Piepho to County Administrator re Byron Sanitary District – July 15, 2008**

**K. FUTURE AGENDA ITEMS**

Director Piepho commented that he would like to agenize a Letter of Support for the Mandatory Instruction for Boaters. He stated he would contact Will Duke of the Marine Patrol so that it could be brought back to the board under an agenda item.

\*\*Rich Kier asked to address General Manager's Report. He asked if a piece of correspondence comes in addressed to the board, does it go to all the directors. General Manager Koehne commented that it would the majority of the time. Rich Kier asked why it would not go to all board members. General Manager Koehne responded that sometimes staff makes mistakes. Mr. Greggans asked about the difference of usage billing on meters versus the amount charged on the Tax roll. General Manager Koehne responded that he was not aware of the difference. Jeff Barber asked regarding the sewage spill; where the water goes out of the lake. General Manager Koehne stated that if it were to be pumped out it would go into the East County Irrigation District's drainage ditch. He stated that at this time of the year because of evaporation the level does not reach where they would normally pump water out. He stated that if one lake is lower than the other the water would go to the other lake to supplement it. Jeff Barber asked if the water goes to the delta from the ditch. General Manager Koehne responded it does. Jeff Barber asked if the pumps have pumped any water out of the lake since the spill. General Manager Koehne responded "no". Jeff Barber asked if there will be a fine from the State. General Manager Koehne responded that he does not know at this time and that usually it takes about a year for the State to get to that point since they are so backed up. Jeff Barber asked about the issue of the power failure and if there is a back-up system to prevent this. General Manager Koehne responded that the district has generators.

**L. ADJOURNMENT**

Director Dove motioned to adjourn the meeting. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain) The meeting was adjourned at 10:20 p.m. to next regular meeting on August 20, 2008.  
8/15/08 lh



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376

Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

August 20, 2008

1800 Willow Lake Road, Discovery Bay, California

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### REGULAR MEETING at 7:00p.m.

#### A. ROLL CALL

1. President Murphy-Teixeira called the meeting to order 7:00p.m. Roll call reflected that all Directors were present. Legal Counsel John Stovall and Board Secretary Virgil Koehne were also present.
2. Director Dove led in the Pledge of Allegiance

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

Walter MacVittie commented on the cost of attorney fees and the issue of having the attorney at each meeting. Don Flint commented that he had tried to look up the lawsuit on the County website. He stated that he had set up a website with all the pleadings that he had obtained. Jeff Barber commented that he had prepared a document to read to the board. He commented that his topic was the July sewage spill. He suggested that there be an independent committee to review this issue and to discuss ways to prevent these spills from happening in the future. Jennifer McKay commented that she is a Lakeshore resident that lives near the area where the spill occurred. She stated that she felt that the spill had not been handled right and commented that she had a document requesting documents. She gave the document to General Manager Koehne. President Murphy-Teixeira asked General Manager Koehne if he would be commenting about the spill during General Manager's comments and that Randy Johnson from Southwest Water and Carlos Tabarini from Lakeshore Home Owners Association would also be commenting regarding the spill. He responded that was correct. Greg Spivak commented that he was also concerned about the spill at Lakeshore and about the lack of communication to the residents. Bob Mankin commented that he should be receiving more information on the P-District next week for review and that he would bring that to the board after he has reviewed it for options or ideas. He commented about the issues involved in settling the lawsuit.

#### C. CONSENT CALENDAR

1. Director Doran made a motion to approve the Consent Calendar. Director Piepho 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

#### D. CHAIR REPORT

President Murphy-Teixeira commented that she would not be attending the next two meetings.

**E. DIRECTORS' COMMENTS**

Treasurer Knight had no comment.

Director Piepho commented that he sits on another board and the attorney is present at all meetings and that he has watched the Board of Supervisor's meetings and that their attorney is also present. He commented that he had the current Code Enforcement Report, which he gave to the General Manager to keep on file at the District Office.

Director Doran had no comment.

Director Dove commented that he is very concerned about the sewage spill and the response plan and making sure the community knows who they can call in these types of situations.

**F. REQUEST FOR BOARD CONSIDERATION**

**1. Presentation on Neighborhood Traffic Management Program by Jerry Fahy (Koehne)** Mark De La O, a civil engineer with Contra Costa County, gave a presentation about a program they have developed called the Neighborhood Traffic Management Program. He commented that the program was on the County website. A copy of the presentation is on file at the District Office. Director Piepho commented that he was under the impression from previous discussions with the county that they would not use speed bumps because of several issues such as the noise they cause. Mr. De La O stated that he was not aware of that. He stated that they are developing standards for speed bumps and that there are speed lumps that are modified to allow emergency vehicles to go over without hitting the bump. Director Piepho commented that the community has done several steps in Phase One of the program. Ed Young of the Newport Drive area commented that he felt there needs to be another stop sign on Newport Drive. There was discussion regarding this issue. Walter MacVittie cautioned about using speed bumps and the negative of living in a community with speed bumps. There was some discussion about speed bumps.

**2. Presentation on Sheriff's Marine Patrol Substation, Two-boat Dock and Kellogg Creek Widening Proposed as part of Pantages Bays Residential Community (Koehne)** Mark Armstrong of Pantages Bays presented the current stage of their development. He referred to the new project map on the wall at the District Office. He commented that they would be paying for the entire cost of widening Kellogg Creek because the Reclamation District is a State organization and cannot afford this project or would have to have the taxpayers pay to widen the creek at this time. He also commented that they are proposing a Sheriff's Marine Patrol Substation to be located in their development. He stated that they feel that these two (2) parts of their project will be positive additions to the community of Discovery Bay. Jeff Conway, District Manager of the Reclamation District 800, commented that Kellogg Creek could be very dangerous and very fast. He commented that the size of the Creek contributed to the silt being deposited into the bay. Lieutenant Will Duke commented that this possible new substation would give them access to fast water and take away the time that they have to be off the water when bringing in an arrested individual or an injured individual. He commented that they are also talking about putting a landing zone at the substation for helicopters. Director Piepho asked Mark Armstrong if this was about a \$3 million dollar cost to widen Kellogg Creek and if that was being entirely paid by Pantages Bays. He responded yes. Director Piepho asked Jeff Conway if this was a project that the district was planning on doing and if the community would have had to pay for it if Pantages Bays did not. Jeff Conway responded that was correct. They discussed the additional costs involved in dredging the bays due to silt and if the widening would be an advantage in this issue. Director Piepho commented on the Golden Hour, which is a time that it is important to get a person to the doctor after an accident. He commented that people bringing injured into Discovery Bay sometimes are confused where to go and the no wake area slows the process down. He commented that he felt that having a substation with fire department access and a landing zone would be important to the community. Director Doran commented about the widening of Kellogg Creek lengthening the time between dredging by a lot. He also commented about an Emergency Medical Services report he received from the County about Myocardial Infraction System. He

reported that it states that if there is a person that has a heart attack it is important that you get the person to these centers that are being put up in the county. He commented that it stated you need to get that person to a doctor in 120 minutes. He stated that a helicopter pad would greatly assist. There was discussion about the need for a substation with a landing pad. Director Doran stated that the information regarding the Myocardial Infraction System is on [ccc.ems.org](http://ccc.ems.org). Director Dove commented that he feels that these types of amenities differentiate the Pantages Bays project from others that want to come into the community, that this makes it part of the community. Mark Armstrong commented that he feels their project is a bridge between Discovery Bay and Discovery Bay West. He stated that there would be an officer housed at the substation which would be a dedicated officer just for the community. There was discussion about the need for the substation when there is a landing pad at the marina. There was discussion about the cost of widening Kellogg Creek. Jeff Barber commented about the fact that people bringing injured people in come to the marina, they don't worry about the speed restrictions and sometimes they don't have cell phones and need to have people there to help them. It was noted that a call box at the substation would be a good idea. There was discussion about the process of arresting an individual by the Marine Patrol and how it would change the process if there was a substation. Pat Richardson asked if Pantages Bays had been given a Will Serve Letter for water services. It was answered that it had not been given at this time. Residents that live on Kellogg Creek commented that they are looking forward to the project widening Kellogg Creek. They commented that the way it is now, is very dangerous.

3. **Discuss and Comment on Charity Fund-Raising Event at Orwood Resort (Koehne)** General Manager Koehne presented this request for comment from the Conservation Development Group for comment on this event. The board had no comment.
4. **Discuss and Form Committee To Meet With County re: Normalizing the MAC Relationship (Stovall)** Legal Counsel John Stovall commented that the board had received a draft set of policies relating to Municipal Advisory Committees (MAC) for comment. He stated that upon review he had found that in these draft policies the Town of Discovery Bay's type of MAC had not been included. He stated that he would like to recommend to the board that they form a committee to meet with the County to normalize these policies. He asked that the committee be formed with administrative personnel, so he asked that General Manager Koehne be on the committee, also legal counsel and two (2) members of the board. He stated that he would recommend that they meet with County Administrative personnel, County Legal Counsel and someone from the Board of Supervisors and LAFCo. Director Doran motioned to form the committee and approve General Manager Koehne, Legal Counsel and the two (2) directors that volunteered, Director Doran and Director Piepho to be on the committee. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
5. **Discuss and Possible Action on "One-Time" Water Meter Charges (Koehne)** General Manager Koehne explained to the board that he had brought to the board the issue of a one-time water meter charge and that staff had been asked by the board to bring back the cost of those charges. He stated that staff would like to get direction from the board since billing of the first 62 homes had begun. He stated that he would recommend that the one time installation charge would be spread over 12 monthly invoices. There was discussion about if it would be spread out over 12 months or less. Director Piepho made a motion to implement this program on a monthly basis for 12 months on the one-time installation cost. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
6. **Discuss and Possible action to Purchase One used Forklift from Federal Surplus Program (Koehne)** General Manager Koehne presented this item to the board. He stated that recently there had been a safety issue because of not having the proper equipment. He stated that the district is registered with the Federal Surplus Program and asked the board for approval to watch for a forklift and purchase one if one becomes available. Director Piepho made a motion to allow staff to search for a forklift as it comes up and to purchase one not-to-exceed \$4,000.00. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
7. **Discuss and Re-Comment on Application for Safeway Fuel Station (Koehne)** General



Manager Koehne presented this item to the board. He explained that there would be a tank installed in between ECC Bank and the Safeway Fuel station. He commented that staff would recommend that there be a stucco wall or landscaping or a combination of both put around the tank to block its view. The board agreed with staff's comments.

8. **Discuss and Approve Landscape Architectural Services for Willow Lake Road Project (Koehne)** General Manager Koehne presented the quotes for the design to the board. He stated that staff recommended going with Gates and Associates because their cost is much lower and also that they were the original architects that created the Discovery Bay Landscape Master Plan. He commented that these designs are done with the County's sidewalk work in mind. Treasurer Knight motioned to approve the architect's proposal from Gates and Associates for Willow Lake Road for \$3,800.00. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

#### **G. GENERAL MANAGER REPORT**

General Manager Koehne reported that he had received a couple of quotes for the drilling of the test well for Well #6. He will be taking the lower quote and that that will not be starting for about 8 or 9 weeks. He reported that staff will be trying to pre-plumb for some equipment that may need to be moved for Well #6 so that it will not interfere with the Church's parking lot. He reported that 62 homes have been billed for their first water billing. He commented that staff is looking into online billing services. He reported that staff will probably have the final report regarding the Lakeshore sewage spill to bring back to the next meeting. Randy Johnson of Southwest Water came to the podium to answer questions regarding the spill. Director Piepho asked what the amount of the spill was. Randy Johnson responded that they estimate it was 40,000. General Manager Koehne clarified that the original estimate was 10,000 gallons because they are required to report to various agencies within two (2) hours of the spill and at the time that was their estimate but after being able to have time to research the problem more they were able to get a more accurate amount. Director Piepho asked if it was raw sewage that was released and if it went into the lake. Randy Johnson responded that it was raw sewage and that it came out of a clean out behind the pool house, went about twenty feet through the grass and shrubbery and into a storm drain that goes into the lake. It was stated that the lake is actually not for public use. It is a collection area for all the storm drain run off in the subdivision and that the fountains actually aerate the lake to keep the growth of bacteria's from cultivating. Carlos Tabarini of the Lakeshore Homeowner's Association stated that their lake is a non contact lake and they are a catch basin and flood control for the community. He stated that in the summer there is enough evaporation that they do not have to pump any water out of the lakes. He commented that once the spill was discovered Town staff was on the scene in 15 minutes and that they put up warning signs around that portion of the lake. Director Piepho asked if all agencies had been notified. It was responded that all agencies had been notified. Director Dove commented that the town needs to put into effect an emergency program. General Manager Koehne responded that the town is working on the emergency response and that parts per the requirements have been completed. Staff has until May 2009 to complete more of the program and then until August 2009 to complete the rest. He is working on getting it done sooner, if possible. He also commented that Environmental Health is there to protect people and that if there was an issue that needed to be addressed at this time he feels they would have contacted staff. He also commented that the Lakeshore Lake is made up of any run off that goes into the storm drains from the community of Lakeshore, such as washing your car, watering the lawns, so it gets a lot of pesticides, fertilizer, and whatever is in and about that community. He commented that they will be critiquing the process to find out what they could have done better and this will be part of the emergency plan that staff will be bringing to the board. An audience member commented that the lift station at the end of Yosemite has a bad odor. Judy Kier asked how the residents were notified of the spill. General Manager Koehne responded that there were signs put up around the lake. He stated that staff feels they could have done a better job of communicating to the residents. They are not sure how at this time but that will be part of the review. An audience member commented that even though it is a non contact lake there are families and children playing in the area and if the breeze came up and this gets spread around it is a serious issue. He commented that he feels that this is a large amount and that the town does not seem concerned about it and asked how it happened. General Manager Koehne

responded that staff is very concerned about the issue and that it seemed it happened during a power outage. An audience member asked if the sewage was just sitting in the Lake and how was it going to be cleaned up. General Manager Koehne responded that the way to clean it up would be to disinfect it but that it cannot be disinfected in the lake because of the biological process in that lake. He responded that there are 37 million gallons in the Lake and that staff could not pump that amount out of the Lake because it would exceed our permits. Staff is only allowed to pump 2.1 million gallons a day. There was discussion about the process that happened to create this situation and what types of things that are being researched to stop this from happening again. An audience member commented that the fountains should have been shut off immediately and that communication should have been better. Jeff Barber suggested that this situation is an opportunity to do proactive work so that this does not happen again. Rich Kier asked when the report would be available. Randy Johnson responded that it would be approximately two weeks before they had all the tests back from the laboratory to go over. There was discussion about the fact that if the aeration system of the Lake is shut off it stops the process of the oxygenation of the water. There was discussion about the reason that the pump did not trip an alarm when it shut down. Director Piepho handed a newsletter from another agency that has notification numbers on it and he suggested that it be put on the agenda for discussion that the Town produce their own newsletter that would have emergency numbers for the community to use. General Manager Koehne reported that there had been four water leaks that had been fixed. He reported that staff is in the process of getting a quote to cut down a few trees at Cornell Park and that staff is also getting a quote to have an arborist go through Cornell Park and assess the rest of the trees. He reported that the \$86,000.00 miscellaneous on the last financial report that was questioned by a board member is reimbursements from Hofmann and D.R. Horton. He reported that the Town had been awarded a grant from the Keller Canyon Funds of \$2,000.00. Director Dove asked about the small claims issue of the front property on Discovery Bay Boulevard. General Manager Koehne responded that the judge had awarded the Town half of the amount. Director Dove asked about the large water users program. General Manager Koehne responded that he would bring that back to the board.

#### **H. LEGAL COUNSEL REPORT**

Legal Counsel, John Stovall, asked to report on recent statements or allegations that had been made in public comment and also in some letters by Mr. Richardson and his attorney which he feels need some clarification with regards to reporting out closed sessions. He stated that there had been comments and allegations that the board has not been unanimous in its directions in the Richardson lawsuit and that the town had not reported that out. He stated that in this lawsuit the initial decision to defend the lawsuit was made at a closed session at which three directors were present, Director Dove and Vice-President Murphy-Teixeira were absent, there was a quorum, and the decision was unanimous to defend the lawsuit. He stated that it was also reported out into open session immediately after the closed session that the three directors had made a unanimous decision to defend the lawsuit and to authorize and direct counsel to defend the lawsuit and that this was recorded in the minutes of May 16, 2007 of the Town. He then stated that he had attended the first closed session and that Dan Schroeder, also our legal counsel, had attended the rest of the closed session regarding the lawsuit and that he was authorized by him to say that in every single case where a direction was given by the board, even in non reportable actions, the matter was unanimous by the directors present. He then explained the Brown Act regarding closed sessions and reportable actions and non reportable actions. He then distributed copies of letters from Mr. Richardson and his attorney. He read from each letter and explained that the letters have taken an interpretation of the spirit of the Brown Act to include reporting things that are non reportable actions. He also explained an issue brought up about closed sessions by Walter MacVittie at the previous meeting and when the closed session is held in relation to the actual open meeting. He stated that the reporting of the closed session by the Board has been made directly after the closed session and during that time most people are still coming into the room and getting seated. He is recommending to the Board that they put on the agenda of the regular meeting right after roll call "Report on Special Meeting Closed Session". There was discussion about the time of starting the meeting and the process to change the time of the meeting for Closed Sessions. Mr. Richardson commented that he felt that the way the board is handling the sewage spill and the issue of reporting on Closed Session is something that is not fair. He stated that he had no idea that legal counsel was going to discuss this issue so he

could bring his own documentation and legal counsel. He commented that he would be requesting under future agenda items to report on the lawsuit. Mr. Richardson asked if it would be possible to meet with legal counsel and the board in closed session to discuss the lawsuit. Legal Counsel stated that he did not think that it was legal according to the Brown Act but that he would review it. Director Piepho commented that he would like to see the attendance of the closed sessions for the past fourteen months be included in the report that legal counsel is going to give in September.

**I. CORRESPONDENCE**

1. R – Highway 4 Bypass Committee Meeting Minutes for June 12, 2008
  2. R – Transplan Committee Meeting Minutes for July 10, 2008
  3. R – Letter from Supervisor Piepho re: Landscape Maintenance Agreement – Aug 7, 2008
  4. R – Aviation Advisory Committee Meeting Minutes, May 20, 2008 and June 17, 2008
- No comments on correspondence.

**J. FUTURE AGENDA ITEMS**

Legal Counsel requested that in the first or second meeting of September it be on the agenda that legal counsel gives a complete status and history of the lawsuit Richardson vs. Discovery Bay. He also suggested that the Board put on a future agenda or workshop a Seminar on the Brown Act that the public can attend. President Murphy-Teixeira stated that she would like legal counsel's report to be on the second meeting in September. There was discussion about coming up with a date for a workshop. Director Piepho asked that staff make copies of the newsletter from Central Sanitary District for the audience and the Board to review and discuss having our own newsletter.

**K. ADJOURNMENT**

Director Doran made a motion to adjourn the meeting. Director Piepho 2<sup>nd</sup> the motion. The meeting was adjourned at 10:37 p.m. to next Regular meeting of September 3, 2008.

8/26/08 lh



# TOWN OF DISCOVERY BAY CSD

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## Board Members

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Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DAPiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

September 17, 2008

1800 Willow Lake Road, Discovery Bay, California

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### REGULAR MEETING at 7:00p.m.

#### **A. ROLL CALL**

1. The meeting was called to order at 7:00p.m. The Roll Call reflected that all directors were present with the exception of Director Knight.
2. Director Piepho led in the Pledge of Allegiance

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

John Fritz commented on the length of time that the community has been waiting for the Community Center and the role of the developer and the County in acquiring the Community Center. Battalion Chief Burris of the Fire Department came to the podium and reported that Discovery Bay Common had a total of 50 calls; 25 medical, 3 public assist, 6 fires, 6 auto accidents, 9 fire alarms and 1 hazardous condition. He reported that Station 59, Discovery Bay West had a total of 44 calls; 14 medical, 11 public assist, 10 fires, (3 structure fires, 3 grass fires, 4 auto fires) and 9 auto accidents, 1 being a fatality.

#### **C. CONSENT CALENDAR**

Director Piepho made a motion to approve the Consent Calendar, but remove item #1. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

Legal counsel commented that the Town had received a letter from Mr. Richardson regarding a line in the minutes referring to a statement that he had made. He stated that the letter stated that the statement that Mr. Richardson had made was vague and inaccurate in the minutes and asked that it be removed from the minutes. Legal Counsel recommended that the line be removed from the minutes and if the minutes are approved that they be approved without that line. Director Piepho made a motion to approve the minutes with that line item removed. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

#### **D. CHAIR REPORT**

No report.

#### **E. DIRECTORS' COMMENTS**

Director Piepho responded to the comment made by Mr. Fritz in Public Comment. He stated that the County Supervisor had met with Mr. Lennon of the Hofmann Company today and that he himself had called Mr. Lennon today. He told Mr. Lennon that the Community is ready to set up a meeting to identify a piece of property. He reported about the Code Enforcement meeting and that he had turned in the report at the prior meeting. He stated that they had discussed a new storage ordinance for boats and recreational vehicles

specific to the Delta region; the ordinance will be rewritten by the County. He commented that they had taken care of the majority of signs that had been discussed at the last meeting. He commented about the truck advertising at Lakeview Plaza and the garbage dumpster. He commented about attending a school district meeting and that it was on the agenda for later. He commented that he had attended a LAFco conference and stated that he would be asking to do a presentation of LAFco on a future agenda. He commented that they had had a meeting with the Supervisor's Office regarding John Cullen and that he believes he is set-up to come out on October 1, 2008.

Director Doran – no comment.

Director Dove commented that he had attended the Sheriff's Advisory Group meeting. He reported that they had discussed the Fourth of July coverage and that they felt that the coverage was good and that the amount of fireworks was less than normal for Discovery Bay. He commented that he had also discussed the personal watercraft deaths and that the only thing that they could come up with was that people need to be educated and careful.

#### **F. REQUEST FOR BOARD CONSIDERATION**

1. **Presentation by Eric Prater of the Byron School District (Koehne)** Superintendent Eric Prater made a presentation on the Timber Point Elementary School Project. He presented a drawing of a possible plan that would combine the field at Timber Point School and Slifer Park to allow for more play area and to put in a drive way and parking area to drop off children for school that could also be used for extra parking for Slifer Park. Director Piepho commented that he would like to see the board form a sub committee to work with the school on this project. Walter MacVittie commented that he thought the biggest push of the Bond was for educational facilities and that he was concerned about the funds being used up without facilities. Superintendent Prater commented that he would be happy to go over the budget and would ask that it be put in the next Delta Sun Times. He commented that the Bond had also talked about mitigating the safety concerns of Timber Point Elementary and the middle school. He commented that they had originally set aside \$1.3 million set aside for Timber Point but it now looks like it will be less than \$1 million. He commented that they had originally planned for four new classrooms because of the growth they expected at that time but since the growth has slowed they do not see the need for those four classrooms and the need for matching with State dollars is not there. He stated that the primary concerns at Timber Point are the storage facility, the restrooms and the safety issue. He commented that at Discovery Bay Elementary they are talking about play fields and improving the exterior of the school. An audience member asked if the Town would be paying for the vandalism and other expenses if the fence comes down. There was discussion about making the bathrooms out of vandal resistant materials and fixtures to help alleviate the cost of maintenance. There was discussion about the funding and the possibility of Free State monies. An audience member asked about the original design and why this was not addressed at that time. An audience member, Mark Simon, asked how it will be determined which kids are visiting the park and which kids are going to the School. He also asked who would be liable for things happening in the park and in the restrooms. Superintendent Prater responded that he would be observing other schools that have joint areas with the community such as this and use their models as an example and then adjust what needs to be adjusted for our community. Director Piepho made a motion to form a committee to investigate this further to work with the School District and that he and President Murphy-Teixeira continue on the committee since he is the liaison for Parks and she is the liaison for schools for the District. He further motioned that the committee be able to involve legal staff when appropriate. Legal Counsel asked that there be no motion because the item is not written to have action. He further stated that since they are both the liaisons for these items that they continue to attend the School's meetings and report back to the Town at future meetings and that if the board feels it necessary to form a committee that it be listed and discussed at a future meeting. Director Piepho withdrew his motion. Superintendent Prater also showed and explained a drawing of Discovery Bay Elementary's back playfield and the proposed changes. He also showed proposed changes for the fourth and fifth grade classes. Director Piepho asked that the board have this on the agenda as a committee report on future agendas.
2. **Discuss and Consider a MOU with the City of Brentwood to Mutually Pursue Testing of Brentwood's Biosolids at TODB's Facility (Koehne)** General Manager Koehne explained that the City of Brentwood is interested in the type of Wastewater facility we have with the Bio-Solids. He explained that they would like to try our facility before they invest in a Bio-Solids building of their

own. He stated that staff and Brentwood's staff had worked out an agreement with the City of Brentwood for them to be able to process some of their sludge in our buildings and that they would pay us for the usage. There was discussion about if this would be a burden on the Town's processing. President Murphy-Teixeira asked if Legal Counsel had any issue with the contract. He responded that he had reviewed and changed parts of the contract. There was discussion about if there was a time limit to the agreement if for some reason their sludge did not process in time or if there was limitations and provisions to charge additional fees if the test needed to be extended. It was discussed to put a line item in the contract to cover if the test runs over the time allotted that there be a way to add additional charges if necessary. It was directed to work on the contract and bring it back at a future meeting.

3. **Discuss and Approve to Surplus one District Vehicle (Koehne)** General Manager Koehne explained that staff would like board approval to surplus one damaged vehicle and put it on the market for the highest possible value. He explained that the truck had caught on fire and that the insurance appraiser had deemed it to be scrap. He explained that the insurance company will be giving us \$7,500.00 for the vehicle. Director Piepho made a motion to declare the vehicle surplus and instruct staff to obtain the highest value in the marketplace. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
4. **Discuss and Approve the Purchase of One new Pickup Vehicle, not to exceed \$19,000 (Koehne)** General Manager Koehne explained that staff will need to replace the vehicle discussed in item F3. He explained that he had researched a replacement vehicle and that with the purchase of the vehicle and the addition of safety lights that need to be put on the vehicle, that he has found it to be in the area of \$17,000.00 to \$18,000.00. Director Piepho asked if the Town would be able to use the General Motors Employee Discount. General Manager Koehne responded that they would. Director Piepho made a motion to approve the lowest quote not-to-exceed \$19,000.00 for the vehicle and the safety lighting. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
5. **Discuss and Approve Resolution 2008-11 re: Injury & Illness Prevention Program (Koehne)** General Manager Koehne explained that by law the District is required to have an Illness and Injury Prevention Program. He stated that one of the first steps is to have a Resolution regarding the program. He stated that staff would be bringing the sections of the program as they are completed before the board. Director Piepho asked if there were costs involved. General Manager Koehne commented that it would probably be mostly in staff time and it would be ongoing and that there might be some equipment that would be purchased because of the requirements. Director Dove asked about the part of the program that states that since we are a Government Agency that we are not required to do any record keeping. He commented that he thought there should be record keeping to verify that the District is actually doing what is in the program in case there is need to prove our compliance. Legal Counsel commented that it was not necessary for the district to keep records but that the board could add that if they wished. Legal Counsel stated that the board could change it to provide that the Town shall keep records as required of a private employer. Director Piepho stated that he would like to see that staff add the wording to include that records be kept. Legal Counsel stated that that could be accomplished by taking the last line, deleting the period and putting in a comma and saying. "but shall keep records in accordance with the California Code of Regulations applicable to a private employer". It was asked if the regulations would be a burden. Legal Counsel commented that it was not ominous. Director Doran motioned to approve Resolution 2008-11 with the amendment made by Legal Counsel. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 Ayes, 0 nos, 0 abstain)
6. **Discuss and Comment on Request from Fire Protect District on Residential Care Facility on Whitman Court (Koehne)** General Manager Koehne explained that staff had received this request for comment. He stated that staff's comment would be that it was a high number of people within a two story home. Director Piepho commented that this looks like a business in a residential area and that the zoning would not be correct for this. He also stated that this seems like it would create traffic and other issues. Director Dove commented that he felt that that area of houses are not fitted with sprinkler systems and that there would be an issue of fire safety with that many residents. General Manager Koehne responded that those homes were not plumbed for sprinkler systems. Pat Richardson commented that 14 residents would be a large amount to have in a residential area, that they would be coming and going to appointments, in the backyard and in the front yard, if they are ambulatory or not, how the house is handicapped equipped and what are their emergency procedures. Director Piepho commented that he wondered why it had not come before the board from Community Development.

There was further discussion about the number of residents. Staff was asked to contact Community Development. General Manager Koehne responded that he would contact Community Development and Environmental Health also.

7. **Discuss and Approve Landscape Maintenance Agreement with County for Service Areas known as L-61, Zone 35 & 57 and Park & Ride (Koehne)** General Manager Koehne explained that the District is in the process of taking over the areas listed in this item but because of various issues it was not completed at the end of the fiscal year and staff and the auditors would like the transfer to take place at the end of the next fiscal year to keep records clean. He explained that in the interim the districts could save money by using the maintenance agreement that we had gone out to bid for when we thought that the districts would be transferred on July 1, 2008. He further explained that the landscape contractor that we had received the bid from would maintain the districts for the remainder of this fiscal year and the county would pay the invoices until the time that the districts are turned over to the Town. He stated that if there would be any major improvements over \$5,000.00 done to these areas during the time of this agreement the Town would need to go to the County Engineers for their approval. He commented that there were some minor changes made to the agreement; the date that the agreement was to start would be changed to November 2008, and on page 1 in item 2 staff would insert wording "such areas here and after called the Discovery Bay Zone", and on page 3 item 13C Failure to Provide Insurance the wording that says "District to Contractor" will be changed to say "County to District", and then they have a question on page 5 on Liability Insurance as to whether it would be \$500,000.00 or \$1 million dollars and that needs to be clarified, he believes it will be \$1 million dollars. They also have the Zip Code incorrect and that needs to be corrected. Director Piepho asked if legal counsel was okay with the contract. Legal Counsel responded that many of the changes came from them and then from General Manager Koehne so that they had already had their input. Director Piepho made a motion to approve the agreement before the board, as amended, with Zones 35, 57, 61 and Discovery Bay West Parking District. Director Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)
8. **Discuss, Comment and Possible Action Recent Lakeshore Wastewater Spill (Dove)** Director Dove commented that the District's Emergency Response plan is not complete at this time and that it is not required by the State to be completed until May 2009. He further commented that he would like to see if the plan can be completed sooner to be sure that the correct people are informed in the case of an emergency and that the proper steps are taken. President Murphy-Teixeira commented that the communication to the community needs to be reviewed and improved as was discussed in the prior meeting. Director Piepho commented that the spill happened on July 17<sup>th</sup> and 18<sup>th</sup> and that the board had received the reports from the California Regional Water Quality Control Board (CRWQCB) on September 10, 2008. He further commented that it is important that the reports from these agencies are accurate and that staff makes sure that they are accurate. He asked what is the Five-Day report that was referred to in the CRWQCB report. Randy Johnson of Southwest Water Company (SWWC) replied that the Five-Day report is not required under the Districts current permit. Director Piepho asked about the documents and requested information that the CRWQCB report stated should have been readily available at the facility. Randy Johnson responded that he has been asking the CRWQCB what documents are wanted and has not to this time received a listing of those documents. Director Piepho asked if staff had been communicating with the CRWQCB to find out what it is that they want. Randy Johnson replied that both he and General Manager Koehne had been communicating with the CRWQCB and still do not know what documents that they want that have not been provided. Randy Johnson provided his report to the CRWQCB on September 9, 2008 which was five days after he had received his final bacteria test. He further commented that he and General Manager Koehne and HERWIT Engineering sat down together and completed the report submitted to the CRWQCB. Director Piepho commented that he felt that the board needed to be communicated with better by staff. He also commented that the Lake is labeled incorrectly in the report, which it is referred to as a recreational lake when in fact it is not. He commented that staff and the contractor needs to be diligent in getting back to the CRWQCB to correct any errors in their reporting because these may effect the level of the fine for this incident. Randy Johnson commented that he and General Manager Koehne would be getting together to go over the errors in the CRWQCB's report now that they had completed their report. Director Piepho asked for the initial cause of the incident. Randy Johnson responded that a bird landed on a PG&E line and short circuited the line by the Golf Course Maintenance Yard. The electrical fell to the ground and started a grass fire which caused a power outage and when the power

went down so did several of the Lift Stations. Director Piepho asked if this was different than other power outages that the Town has had. Randy Johnson responded that it was not any different but that there were several other factors that went into the incident. Director Piepho commented that the report from Randy Johnson stated that all agencies had been notified within fifteen minutes. Randy Johnson responded that that was correct. Director Piepho commented that the CRWQCB stated that they were never notified. Randy Johnson stated that he had requested his cell phone records from his corporate headquarters to show that he did make the calls. Director Piepho commented that the first amount of the spill reported was a guestimate and then they used the Scada System to recalculate and then the District Engineers calculated an amount. Randy Johnson responded that that was correct. Director Piepho asked why the Scada System did not notify staff correctly when the spill occurred. Randy Johnson commented that the technician of the Scada System had addressed the system incorrectly. Director Piepho stated that the report states that the emergency systems are to be tested regularly to insure proper function. He asked if the contractor is doing that. Randy Johnson replied that they had been checking the system, but they had been checking it through the Scada System itself and not manually which they are doing now. Director Piepho asked about the reporting of the spill volume. General Manager Koehne responded that staff had responded to the request for spill volume but that the CRWQCB was not satisfied with that information so they called in the District Engineer to calculate the spill amount with the information he was able to obtain. Director Piepho commented about a comment in the report about there being rags and debris at the spill site a month after the spill. Randy Johnson replied that there were no rags or debris; there was dried paper film that cannot be seen until it dries and that after they had cleaned up the gardeners came in and cut back the shrubbery and that revealed the dried paper film. He also commented that he would be more aware of going back to recheck the area at a later date to see if there is any further debris that was not noticed during the initial clean up. Director Piepho commented that he would like to see the District respond to these claims and that the board be kept apprised of the status of those discussions. Director Piepho asked about the sampling process. Randy Johnson responded that the samples were taken the same day, a week later and then two weeks later and then again two weeks after the fountains were turned back on. Director Piepho asked about the notification procedure for the community. Randy Johnson commented that he wanted to be sure that the area of exposure had signs to notify of no contact, he felt that with the winds and the fact that the spill had occurred on the tip of the lake that that was the area of concern and that is where he put the signs. Director Piepho asked how the spill in the lake can be cleaned up and if the fountains should have been turned off as the CRWQCB report states. Randy Johnson responded that you cannot clean up the lake that to disinfect it would harm the wildlife in the lake. He further stated that the fountains are aerators and actually help to clean up the lake by oxygenating the bacteria in the lake. Director Piepho asked legal if the Town has the authority to tell the Homeowners Association to shut off the fountains if we are posing a health threat. Legal Counsel responded that he would report that back when the committee meets. Director Piepho reviewed the HERWIT Engineering report to the CRWQCB and referred to the five-day report and that the spill was estimated between 77,000 and 111,000 gallons. Director Piepho commented that he would like to have HERWIT Engineering come to speak to the board. Director Dove commented about the five-day report. He passed the information he had gotten on the internet to General Manager Koehne. General Manager Koehne stated he would be researching the question about the five-day report. John Fritz asked about the system that notifies the contractor about a failure. An audience member asked about the chain of command when an incident happens and why the board was not kept advised of the information. Director Piepho responded that the board implemented an unusual occurrence report a few years ago. Chris Finetti asked about the process to observe problems with the system. He also asked about the process of how the District gets their reports from these agencies and how the press received the report a day earlier. An audience member commented that he felt that the amount of the spill is irrelevant, that one gallon would be unacceptable. He further commented that the system failed and that someone should go out personally and make sure that the pumps start after a power failure. John Jewel commented about the five-day report and lab sampling. Walter MacVittie commented that he appreciated that the board is taking up this issue and that they are going to follow through on future agendas. He also commented that he felt a sign should be put on the gate. He also commented that the Scada System needs to be followed up on to be sure that the alarms are working through out the system. Jeff Barber commented that this Act of God is in fact an Anticipated Adverse Event that has to be prepared for. He also commented that he felt



that the committee to follow-up on this item should not contain a member of SWWC. Mark Simon commented that he was pleased that the board has taken up this issue. He commented that he felt that the vendor should have been more proactive since they are the experts and that the Scada System should have been better watched if they knew already that it had issues. Ray Tetreault commented that this could have been preventable and that the vendor could have checked the pumps manually. Director Piepho commented that a physical check of the pump should be done and that it should be part of the Standard Operating Procedure (SOP). Director Piepho made a motion that the board put together a task force with two members being from the board and two members from staff, one being General Manager Koehne and two members of the public to look at this issue and help guide staff on being timely in getting back to the state and figuring out where the district stands. He further motioned that he feels it needs to be done in front of the community so he agrees that it should be on future agendas for reporting. He further motioned that there be a meeting of the committee every two weeks and that they report back to the board until this issue is resolved. Director Doran 2<sup>nd</sup> the motion. Director Dove asked what happened to the lake level. Randy Johnson responded that they understand that the pumps of the lake had been turned on by hand. General Manager Koehne explained that they were told that the pump house had been broken into and that someone had turned the pumps to the hand position which leaves the pumps running until it is turned off by hand. There was some discussion about the pump house. Director Dove commented that the report from the CRWQCB should have been in the correspondence. Carlos Tamborini of the Lakeshore Homeowners Association gave a timeline of the spill and the lake level. Legal Counsel recommended that the board specify who the board wants on the committee and that they specify that the President have the authority to select the members of the public. He further stated that when this committee is formed it will be a Brown Act committee which will be governed by the rules of the Brown Act. Director Piepho amended his motion to have President Murphy-Teixeira and Director Dove be the two members from the board and General Manager Koehne and the District Engineer and then the president to choose the two members from the community and that the committee directly reports back to the board and the public. Director Doran 2<sup>nd</sup> the amendment. The motion passed. (4 ayes, 0 nos, 0 abstain)

9. **Discuss and Approve Change Order #1 for Lift Station F Contract not to exceed \$11,000 (Koehne)** General Manager Koehne explained that there had been several delays to the contract to repair the Lift Station so some of the costs of materials had gone up. Director Dove made a motion to approve the Change Order #1 for Lift Station F not-to-exceed \$11, 000.00. Director Doran 2<sup>nd</sup> the motion. (4 ayes, 0 nos, 0 abstain)

## **G. GENERAL MANAGER REPORT**

### **1. Report on Costs Associated with Public Correspondence**

General Manager Koehne reported that since the last meeting there had been two power outages and that they were relatively small. He reported that the first power outage fried the main electrical panel at Well #2 and that had been rebuilt and was run by generator while it was down. He reported that the NPDES Permit renewal had been submitted in October of last year and staff had received a draft copy to look at for any errors and that is being sent back to them by tomorrow. He reported that staff had been sending letters to the residents around Ravenswood Park to ask for suggestions about improvements for the park. He reported that four residents had responded that they did not want restrooms and so staff asked if they would like some solar lighting around the pathways and structures. The residents said that was acceptable so staff will proceed with in that direction and bring it back to the board for approval. He reported that there had been a 6 inch water main break on Sunday afternoon. He reported that there had been dead trees cut down at Cornell Park. He reported that palm trees on Newport, Discovery Point and Discovery Bay Boulevard will be trimmed. He reported that someone had cut all the electrical wires on several street lights in front of Village Four on Bixler Road. He reported that he had received a subpoena to testify about the theft of the water meters. He reported that he had received notice that the Vector Control will be spraying for mosquitoes at Cornell Park, Slifer Park and three areas in Byron. He reported that staff had gone back to August 2006 and collected the information on Public Correspondence and that it was in draft form because he had not had a chance to go back and verify the figures. He then read the amounts of the data collected. He commented that he would give it to the board when he verifies the figures.

## **H. LEGAL COUNSEL REPORT**

1. **Report on Past Closed Session Votes/Attendance –Richardson** Legal Counsel John Stovall reported that there are no minutes of the closed sessions so there is no roll call of the meetings. He reported that on the first closed session held on May 16, 2007 that there was a reportable action and it was reported out that there were three directors present. He reported that at the next four sessions, and that there were only five sessions, staff had looked up the minutes and that there was no reportable action taken, so he has no way of knowing which directors were present at those closed sessions. However the roll call from the regular meeting showed that all directors were present at the remaining four meetings following the closed sessions.
2. **Report on Costs Associated with Public Correspondence** Legal Counsel John Stovall reported that he had been requested to look up his costs for public correspondence. He explained how it is broken down. He reported that he had gone back to August 2006 and that in the 24 months following that date there had been a cost of \$15,246.50. He reported that the breakdown was \$99.50 on Mr. Barber, \$150.50 on Mr. Mark Doran, \$3,329.50 on unknown, and \$10,771.50 on Mr. Richardson. He reported that if you divide it by 24 months it works out to be a little less than three hours of legal work a month.
3. **Report on History and Status of Richardson v. DBCSD, et al; CCC Superior court C 07-00909** Legal Counsel John Stovall then gave a report on the History and Status of Richardson v. DBCSD, et al; CCC Superior court C 07-00909. He stated that this report is given at the request of the board and the community. (a copy of the tape which includes this report is available at the District office by Public Request)

**I. CORRESPONDENCE**

1. **R –Transplan Committee Meeting Minutes for Aug 14, 2008**
2. **R - Letter from Supervisor Piepho re: General Plan Amendment Study of two Parcels on Bixler Road**
3. **S – Letter to CCC Conservation & Development on Safeway Fuel Station – August 21, 2008**
4. **R – Letter on Delta Water Workshops – August 19, 2008**
5. **R – Letter from Supervisor Piepho re: Draft East County Trails Master Plan - August 11, 2008**
6. **R – Aviation Advisory Committee Meeting Minutes for May, June & Aug, 2008**
7. **R – Document from Supervisor Piepho re: Final Engineer’s Rpt for Discovery Bay West Park & Ride**
8. **R - Letter from Supervisor Piepho re: Fed. Crop Insurance for 2009 Cherry Crop – Aug 28, 2008**
9. **R– Document from CCC Conservation & Dev re: Mtg of 2009-2014 Housing Element Update – August 27, 2008**

General Manager Koehne brought to the attention of the board correspondence item #2 and item #9.

Mr. Richardson asked why there was no mention about the weeds of the Delta in correspondence item #4 and asked it of General Manager Koehne because he had attended the workshop. General Manager Koehne responded that he was just an attendee of the meeting and that he was not sure why they chose the items they did and did not discuss the weed issue.

**J. FUTURE AGENDA ITEMS**

1. **Discussion with John Cullen, County Administrator – October 1, 2008**
2. **Presentation on Community Wide Home Security System – October 15, 2008**
3. **Presentation by “Code Red” – November 5, 2008**

Legal Counsel commented that the School item had been commented to be on another agenda for an action item.

Director Piepho commented that he had a copy of the Pipeline newsletter and that he would like to have the newsletter on the agenda to get it going and the workshop also.

**K. ADJOURNMENT**

Director Piepho made a motion to adjourn the meeting. Director Doran 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain) The meeting was adjourned at 11:18 p.m. to next regular meeting of October 1, 2008.



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY CSD

Monday, September 22, 2008 @ 7:00p.m.

1800 Willow Lake Road, Discovery Bay, California  
Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### SPECIAL MEETING at 7:00p.m.

#### A. ROLL CALL

Meeting called to order at 7:00 pm. All directors present; also present Virgil Koehne, John Stovall, and Paul Balestracci.

No public were present.

#### B. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION GOVERNMENT CODE § 54956.9(a)

William Richardson v. Town of Discovery Bay Community Services District et al  
Contra Costa County Superior Court Case NO. C07-00909

Board went into closed session in accordance with agenda item B. All directors were present in closed session.

#### C. Return to open session; report on closed session.

Board returned to open session; report on closed session was made: No reportable action was taken.

No public were present.

#### D. ADJOURNMENT

Board adjourned at 8:52 pm to next Regular meeting of October 1, 2008 starting at 7:00pm at 1800 Willow Lake Rd – Located in back of the Delta Community Presbyterian Church.



TOWN OF TOWNSHIP DAY  
9-13-08

[ No Subject ]

Tuesday, September 23, 2008 8:52 AM

**From:** "Stovall, John" <jstovall@neumiller.com>  
**To:** "Calista Anderson" <ca1800todb@sbcglobal.net>  
**Cc:** "Virgil Koehne" <vk1800todb@sbcglobal.net>

Calista: Here are minutes from last night's meeting:

Meeting called to order at 7:00 pm. All directors present; also present Virgil Koehne, John Stovall, and Paul Balestracci.

No public were present.

Board went into closed session in accordance with agenda item B. All directors were present in closed session.

Board returned to open session; report on closed session was made: No reportable action was taken.

No public were present.

Board adjourned at 8:52 pm.

You can pretty that up if you want! Thanks, John

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Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

**October 1, 2008**

**1800 Willow Lake Road, Discovery Bay, California**

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

**Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)**

### **A. ROLL CALL**

1. The meeting was called to order at 7:00p.m. Roll call reflected that all directors were present.
2. President Murphy-Teixeira led in the Pledge of Allegiance

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

Mr. Richardson commented about his September 15, 2008 settlement offer which he had handed out to the board and the audience. He also asked to comment about the Minutes of the September, 22, 2008 closed session during the Consent Calendar. Jeff Barber commented about that the board should accept the settlement offer and that he feels the board does not listen to the public. Walter MacVittie commented that he was pleased to see that the board has taken such concern about the sewage spill at Lakeshore, but that he is concerned about the fact that it is listed so far back in the agenda under General Manager's Report and that he and others were under the impressions that it would be an agenda item not under General Manager's Report. He commented he is also concerned about the settlement offer and questioned if the board did not present a counter offer. Bob Mankin commented about the settlement offer and the Lakeshore sewage spill and that there are no property owners complaining, only one person who is not a property owner and several other residents that do not live in Lakeshore. Don Flint commented that the board should accept the settlement offer. Mike Welsh commented about the settlement offer and the Lakeshore sewage spill and the fact that the people rallying about the spill are only doing so for political gain and not out of concern for the residents of Discovery Bay West. Ray Tetreault commented that the board should consider accepting the settlement offer and about the handling of the sewage spill. John Fritz commented about people grand standing regarding an issue that the District Attorney could not find any fault with. Rich Kier commented about the settlement offer and the continued costs. A resident commented that even though the sewage spill is an important issue that there are also other issues that are important such as the fact that the young people in the community have nothing to do and would like to see something done with Regatta Park and that Discovery Bay Southwest would be a good area to do something. He commented that the signs used in the elections are in violation of California and Federal Law. Several other residents commented about their feelings of why the Board should or should not accept the settlement offer.

**C. AREA AGENCIES REPORTS / PRESENTATION**

1. **SHERIFF REPORT/MARINE PATROL REPORT** Lieutenant Duke passed out his reports for August 2008 and September 2008 and then presented the reports to the board. There was discussion about mandatory boater education. He commented that the Recreational Boaters of California (RBOC) is sponsoring the bill for mandatory education.
2. **CHP REPORT** Officer Taylor commented that he was not able to obtain the statistics for the month. He commented about the opening of the new section of the bypass and that most of the jurisdiction of that area is under Brentwood Police Department. He commented that the roadway has not been completed for commercial traffic yet.
3. **FIRE DISTRICT REPORT** No one present.
4. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** Karyn Cornell reported on a new service that can be dialed, 211, for community services. She passed out a Board Order from a recent Board meeting regarding Highway Safety Improvement Program grants that had been applied for. She stated they had applied for nine grants and received funding from four which came to a total of \$3.4 million dollars. She reported that the Department of Conservation and Development will now be holding appointments in Discovery Bay. She reported that the transfer of the Lighting and Landscaping Districts is still moving forward. She reported about the movement of the East County Trail Plan. She reported that there will be a Joint MAC Meeting on October 18<sup>th</sup> from 9:00 a.m. to 1:00 p.m. at the Ambrose Recreation and Park District. She reported that former County Administrator John Cullen will be at the November 5, 2008 to talk about the P-6 Districts. She reported that Supervisor Piepho will be hosting a meeting in mid October regarding the Community Center. She reported that there had been an incident at Wild Idol and the Supervisor has contacted the Sheriff about it and they will report back about that issue.

**D. DISTRICT FINANCIAL REPORT**

General Manager Koehne reported that as of September 11, 2008 the District has \$1.9 million. Director Piepho asked what the District has in reserves. General Manager Koehne responded that currently the District has \$3 million in reserves and that when the District receives its revenue from the County in approximately November 2008 he will review the Districts funds at that time and will come back to the board with a recommendation of possible additional funds to be allocated to the reserves. General Manager Koehne stated that he is trying to get to 10 percent in reserves. There was discussion about if the Treasurer ever gives the Financial Report. Director Dove asked when the next audit would be done. General Manager Koehne responded that he was currently working on the management report for the current audit and then the next audit should begin in November 2008 for the 07/08 audit.

**E. CONSENT CALENDAR**

Director Piepho motioned to approve the Consent Calendar without the September 22, 2008 minutes. Director Dove 2<sup>nd</sup> the motion. Rich Kier asked about the invoice for the purchase of the truck for the Lighting and Landscape District and why it is not pro-rated across the various landscape districts. General Manager Koehne responded that the District does not currently have control of the other Landscape Districts and that the costs will be pro-rated when the District has control of the other Landscape Districts. The motion passed. (5 ayes, 0 nos, 0 abstain) Mr. Richardson stated that he believed that the Minutes of the September 22, 2008 regarding the reporting of the Closed Session to be in error. He referred to the Brown Act Section 54957.2 Minutes of Closed Session. Legal Counsel responded that the section that Mr. Richardson was referring to was regarding minutes taken by the members of the closed session during the closed session and those minutes are not public record. He further explained that the minutes of September 22, 2008 are for the Special Meeting with notation of the Closed Session with no reportable action. Director Doran made a motion to approve the Minutes of September 22, 2008. Director Piepho 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

**F. NEW BUSINESS FOR BOARD CONSIDERATION**

1. **Present, Discuss, and Possible Action by Jack Battaglia Re: Home Security Video System (Koehne)**  
General Manager Koehne presented Jack Battaglia to the board. Jack Battaglia, a resident, gave the board a presentation of a Home Security System because of the concerns in the community about their safety and their property that was brought about by the incident at the Pastorini resident last year. He stated that the system would have two cameras per residence and that in order for this to be effective there would

need to be at least 2,000 homes signed up for the system. The board all stated that they thought it was a good system but that they have no authority to run a surveillance system for the Town and that it was something that would be more for the Board of Supervisors. President Murphy-Teixeira commented that it might be something that the Homeowners Associations might want to present to their residents.

2. **Discuss and Consider a MOU with the City of Brentwood to Mutually Pursue Testing of Brentwood's Biosolids at TODB's Facility (Koehne)** General Manager Koehne turned this item over to Legal Counsel. Legal Counsel John Stovall stated that the agreement had been before the board at the previous meeting and there had been discussion about the time limit if for some reason the sludge did not process in the time allotted by the contract. He stated that there was discussion about adding a line in the contract to cover overruns on the time allotted. He stated that the concern had been presented to the City of Brentwood and ECO Logic and they had come back with two changes. He stated that one change was the term of agreement to be through June 2009. He stated the second change was that they added a clause that says if delays occur that they will reimburse the District all additional costs associated with such delays. He stated that the City of Brentwood has asked legal counsel to make a plea to the board asking that the board not require this clause since the contract has a term during which they will do two drying cycles which do not have a fixed time. He further stated that this means that there is no time limit or a possibility of going over a time limit and that the only thing that has a time limit is if at the end of the contract they are in the middle of a drying cycle we have a clause that says we can terminate in ten days with no notice. He stated that the City of Brentwood had also taken the contract before their City Council and had it approved without the clause and if they have to add the clause they would have to have it approved again which would delay the start of their tests and that he did not feel that the clause was necessary. Director Dove asked if we could get any reports that they produce based on their use of our facility. General Manager Koehne commented that he could ask the City of Brentwood. Director Piepho made a motion that the board accepts the MOU as is. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
3. **Discuss and Possible Action on Receiving Various Parcels in Fee (Koehne)** General Manager Koehne explained that the Hofmann Company would like to deed over to the District five parcels of land. He stated that they are all on Newport Drive. General Manager Koehne stated that he had wanted to get a landscape easement on that property in order to be able to do maintenance. The board decided to hold off making any decision at this time. Director Piepho asked for a parcel map marked as to which properties are owned by Hofmann.
4. **Discuss and Possible Action to Join a Bay Area Regional Approach of Biosolids (Koehne)** General Manager Koehne reported that the District had received a letter from a few of the bigger agencies in the Bay Area and the County asking if we would like to join this group in finding ways to maximize the use of Bio-Solids. Staff recommended not joining this at this time because of the cost. He stated that the District already has a program with our Bio-Solids. The board agreed not to join. No action was taken.
5. **Discuss and Possible Action on Write-Off's for Three non-collects (Koehne)** General Manager Koehne reported that he is changing the number of write-offs to two, since the agenda was put together one non-collect was paid. He then reported that these non-collects are the result of two accidents that damaged District property and that we are not able to locate the responsible parties. Staff recommends that the one non-collect for \$325.00 be written off and that staff pursue collections on the other one. Director Piepho asked what it would cost to hire a collection agency. General Manager Koehne responded that staff had never dealt with a collection agency before and was not sure. Director Piepho asked if staff would look into the costs of collection agencies. There was discussion about Order of Restitution if the accidents had people that were arrested. General Manager Koehne stated that he would look at the costs or fees and bring it back to the board. General Manager Koehne stated that the District will also need to look at collection agencies for the water meter program since we may have residents that do not pay their water bills in the future. This item was tabled.
6. **Discuss and Possible Action Policy on Agenda for Listing of Correspondence (Stovall)** Legal Counsel stated that some time ago the issue of how the District lists it's correspondence had come up and that he had been directed to prepare a policy. He stated that he had done so and that it was to be put on a workshop and since there had not been a workshop he is bringing it to the board for consideration. He presented three policy options to the board. He recommended two sub headings under Correspondence; one to be Information Only and the other to be Discussion and Direction. Director Piepho made a motion

to adopt the official policy that there will be a heading of Correspondence, two sub headings as set forth in the memo from Legal Counsel that all correspondence will consist only of those things which are sent to or from other Governmental Agencies or Elected Officials, but this will give the Board the opportunity to take action when a reply is requested or whatever. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

**G. COMMITTEE/LIAISON REPORTS**

1. **East County Planning Report** Walter MacVittie reported that the next meeting is October 13, 2008. He stated that he had not received his packet yet so he was not sure what would be on the agenda. Director Piepho asked if there was anything coming up that the District should be aware of. Walter MacVittie replied that the only thing might be the Pantages project for review but that they did not have it yet. Director Piepho asked about a project that had been brought before the board regarding the building of homes off of Newport and that had been rejected by the board and it has apparently gone directly to the County. Walter MacVittie replied that he had not seen anything on that yet.
2. **Trans-Plan Report** Walter MacVittie reported that the next meeting would be on October 9, 2008. He reported that the Board of Supervisors had passed a two year extension for him to be the East County representative for the Tran Plan Committee. Director Piepho asked about the e-Bart project. Walter MacVittie stated that the budget that was passed this year had hit transportation and that he felt that the e-Bart project would be on hold for the time being. There was discussion about the reactivation of the MoCoCo railroad lines and the impact on the e-Bart project.
3. **Code Enforcement Report** Director Piepho turned in the report for the month and presented a report of the overall statistics. The report is on file at the District Office.
4. **Rec. 800 Report** Ray Tetreault reported that the electrical panel that had been loaned to their district was up and running. He reported that when people are putting pools on the levees they have to go to the Reclamation District's board for approval and they had to have insurance to cover the pool and how it is built in case there is failure and it damages the levee. He reported that they had brought up the fact that they did not follow up to see if the insurance was kept up and found that that was difficult to do, but that the County had enacted a requirement that the resident has to have an engineering design to be sure that the pool does not fail and damage the levee. He reported that they had pruned all the Palm Trees on the island. Director Piepho asked for an update on the certification of the levees. Ray Tetreault replied that there was no new information from the last report he gave. He reported that their meeting would be on October 2, 2008.
5. **Special Districts Report**\*\*No meeting.
6. **Los Vaqueros Expansion Report** No report.
7. **Byron Union School District Report** No report.

**\*\*These meetings are held Quarterly**

**H. DIRECTORS' COMMENTS**

Treasurer Knight – no comments.

Director Piepho – no comment.

Director Doran – no comment.

Director Dove – he asked if the General Manager's Report could comment on where the District was on hiring another Landscape Manager and what is the status of the Water Meter program. He stated he would like to have someone else from Southwest Water besides Randy come in and talk to the Board, especially about the sensors not working properly.

Director Piepho asked about getting a report from Director Dove on a committee he serves on called the Sheriff's Advisory Board. Director Dove responded that he had talked to Mike Burton about the cost and that he had not been able to get it yet, but that he would report back to the board when he hears anything or attends a meeting.

President Murphy-Teixeira reported on the progress of establishing the Task Force for the Lakeshore Sewage Spill. She stated that she had only received one volunteer following the meeting, Carlos Taborini. She reported that Director Dove had contacted someone and they had been interested but then decided they were not. She reported that her concern was that she would like to know if they can move on with the one member



of the public and then if someone is interested at a future time they can add them at that time. Legal Counsel responded that they could move forward because they have a quorum. There was discussion about procedure to start having meetings. Jeff Barber commented that he felt that the committee was not an independent panel. Randy Johnson asked that Southwest Water be on the panel because of their expertise and familiarity with the situation. President Murphy-Teixeira commented that the board had already decided who would be on the committee but that the meetings will be public and that Southwest Water is welcome to attend and give their information during those meetings. Walter MacVittie volunteered to be on the committee.

**I. GENERAL MANAGER'S REPORT**

1. **Report on Water Meter Usage** – General Manager Koehne reported on the usage that the District is finding on a month to month basis since the water meter reading program has begun. He also relayed the amount of usage throughout the District for last year compared to this year. General Manager Koehne reported on the progress of the NPDES permit process. He stated that there had been changes made to the permit and that they want the District to do a study about salt in the Wastewater. He reported that staff had been painting at various sites. He reported that staff would be blocking off the driveway for the next meeting because staff will be doing drilling for the test hole. He reported that there had been three water leaks. He reported that there had been a sewage spill in the area behind the Storage Facility on Newport Drive. He reported that the amount of the spill had been approximately 400 gallons. He reported that an air relief valve had stuck open and that was what caused the spill, and that none of the spill had reached any waterways. Director Piepho asked about the fluctuation of the water usage could have to do with the foreclosures. Director Piepho asked that the report on the Wastewater Spill be moved up to Committee Reports. Director Piepho asked about the reporting about the spill. General Manager Koehne responded that the reporting of a spill under 1,000 gallons would need to be done in thirty days. Treasurer Knight asked about the Wetland Project. General Manager Koehne reported that the project is removing the copper from the wastewater better than expected and that they now are checking to see what happens if the water is disturbed will it still remove the copper or will it move out of the system. Treasurer Knight asked about grants for the project especially if it turns out that the District wants to expand the project. General Manager Koehne replied that they were already applying for grants. Director Piepho asked about trimming of the palm trees on Newport Drive. General Manager Koehne responded that the bids had already been done and that the trimming would be started within the next two weeks.
2. **Status Report on Wastewater Spill dated July 18, 2008** Nothing was discussed – no report at this time.

**J. CORRESPONDENCE RECEIVED & SENT**

1. **R – Letter from Supervisor Piepho to Sheriff Rupf re: P6 District Monies – September 18, 2008**
2. **R – Letter from Supervisor Glover on Joint MAC Meeting of October 18, 2008**
3. **R – Letter from Supervisor Piepho re: Closure of a Portion of Walnut Avenue – September 18, 2008**
4. **R – Letter from Supervisor Piepho re: Day –to–Day House Rentals – Sept 11, 2008**
5. **R – Notice of Preparation for EIR for the Franks Tract Project Received September 26, 2008**
6. **R – E-Waste Recycling Event at Diablo Valley College on October 3<sup>rd</sup> through October 5, 2008**
7. **R – Press Release from Board of Supervisors re County Seeking Applicants for the Byron MAC & Knightsen TAC dated September 25, 2008**

General Manager Koehne commented that the Board should be aware of Correspondence item numbers 1, 4 & 5. Director Dove commented that everyone should look at number 5, it may be an issue. He also was concerned about number 4. Director Piepho commented about item number 4 and that it was asking for comments and that it might need to be on the agenda. He also commented about concern on item 5.

**K. FUTURE AGENDA ITEMS**

Director Dove asked about an update on the Major Water User program and on the Landscape Manager. Director Doran commented that he would also like to have the Correspondence Item 5 put on the agenda. Director Piepho commented that the John Cullen, COA from the County would be on the agenda to give a presentation at the first November meeting. He also asked for the workshop to be scheduled, and that the Directors should let the chair know when they are available.

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Legal Counsel asked if the chair wanted to put Correspondence Items 4 & 5 on the agenda for discussion and possible action.

L. **ADJOURNMENT**

Director Piepho motioned to adjourn the meeting. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

The meeting was adjourned at 10:25 pm to the next regular meeting on October 15, 2008.



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY CSD

Monday, October 15, 2008 @ 6:00p.m.

1800 Willow Lake Road, Discovery Bay, California  
Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### SPECIAL MEETING at 6:00p.m.

#### A. ROLL CALL

Meeting called to order at 6:00 pm. All directors present; also present Virgil Koehne, John Stovall, and Paul Balestracci.

No public were present.

#### B. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION GOVERNMENT CODE § 54956.9(a)

William Richardson v. Town of Discovery Bay Community Services District et al  
Contra Costa County Superior Court Case N0. C07-00909

The Board went into closed session in accordance with agenda item B. All directors were present in closed session.

#### C. Return to open session; report on closed session.

The Board returned to open session; report on closed session was made: No reportable action was taken.

Several of the public were present.

#### D. ADJOURNMENT

The special meeting adjourned at 6:51 p.m.



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## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

October 15, 2008

1800 Willow Lake Road, Discovery Bay, California

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### SPECIAL MEETING at 6:00p.m.

#### A. ROLL CALL

#### B. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION GOVERNMENT CODE § 54956.9(a)

William Richardson v. Town of Discovery Bay Community Services District et al  
Contra Costa County Superior Court Case NO. C07-00909

#### C. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION.

#### D. ADJOURNMENT

### REGULAR MEETING at 7:00p.m.

#### A. ROLL CALL

1. President Murphy-Teixeira called the meeting to order at 7:00 pm. She stated that the roll call reflected that all Directors were present.
2. General Manager Koehne led in the Pledge of Allegiance.
3. Legal Counsel Stovall reported that the Board held a closed session at 6:00 pm as listed above. He reported that all five directors were present and that no reportable action was taken.

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

Pat Richardson commented about a comment made at the previous meeting by a resident regarding violations of the election signs. She commented that according to what she had found he was incorrect. She further commented that Mr. Simon's signs had been singled out in this comment. William Richardson commented that at the previous meeting Bob Mankin had commented that the only person complaining about the sewage spill is not a resident. Mr. Richardson felt that this would mean that no one at Lakeshore is concerned about the spill and that that would be ridiculous. He further commented about Bob Mankin's comment referring to the person being a renter with no vested interest in the community. He also commented about Bob Mankin's comment about the lawsuit and his referral to the lawsuit as holding the CSD up with a gun and that this is incredible because there are no monetary damages involved. He further commented about Mike Welch's comment also from the previous meeting. He commented about Mike Welch not having read the lawsuit complaint but that he commented about it without the knowledge. He also commented that Mike Welch commented about the spill and that Mr. Welch had stated that Discovery Bay deep water and the Golf Course had no interest in Discovery

had talked to General Manager Koehne about ways to prevent polluting the community and that they had talked about a camera that can be put down the pipe to look for issues. She asked that it be put on a future agenda item.

**F. REQUEST FOR BOARD CONSIDERATION**

1. **Discuss and Direction to Revisit Composition of the Normalizing MAC Relationship Committee (Stovall)** Legal Counsel Stovall commented that he had made an error when he had suggested the formation of this committee. He stated that what he was trying to say was that there are legal issues and there are financial issues so the board should have legal counsel and staff involved. He stated that what he ended up doing was having the board put them on the committee. He stated that is improper and that the committee should be made up of board members or in some cases the public. He requested that the board take action to constitute the committee to be the board members, Directors Piepho and Doran with legal counsel and staff as advisors when needed. Director Piepho made a motion to form the committee to be Vice-President Doran and himself and that they have legal counsel and staff report back to the committee as they feel necessary. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain) Director Piepho asked if there was any report. Legal Counsel Stovall commented that there had not been an actual meeting of the committee. He did state that Supervisor Piepho collected representatives from County Planning, County Administrator's Office, County Counsel and asked LAFCo Executive Director to attend. He stated that Director Doran did not attend, Director Piepho called in and that he, Legal Counsel, had attended and that General Manger Koehne had also attended, but did not participate. He stated that he and Director Piepho had had about a 1 ½ hour discussion concluding that everyone understood the issues and Supervisor Piepho asked that County staff come back to her with possible solutions, but no action was taken.
2. **Discuss and Possible Action on Franks Tract Project (Koehne)** General Manager Koehne stated that this had been in the correspondence of the last agenda and the board has asked that it be on an agenda for possible consideration. Director Dove asked if they had not just received a letter about the MAC being advisory. Director Piepho replied that he felt that this would be alright for the board to respond under their MAC role. Legal Counsel commented that this is not a Municipal Advisory Committee (MAC) issue and that every public agency gets requests for comments from other public agencies. He stated that this is a common thing for any entity that is near or close-by a project to have the persons doing the project request comments. Director Piepho commented that he would have no problem commenting about this project because these are flood control gates and they affect the Delta. Director Dove commented that he agreed and would like to have the community weigh in on this issue. Vice-President Doran commented that when Los Vaqueros started there had been concern about the danger of flooding and that they had sent a letter and it had been put in the Environmental Review and that was all that had happened with it. Director Piepho asked if the Yacht Club has discussed this issue. Director Dove responded that he had not attended a Yacht Club meeting. Treasurer Knight commented that there had not been any discussion at the last board meeting. Director Piepho asked if they could talk to the Yacht Club about their position on this issue and that they could put a letter together with the Yacht Club to take a position on this issue. Director Dove stated that he would talk to them. Treasurer Knight commented that she did not feel that she was experienced enough to know how this would impact the Town and that perhaps the board should get some assistance from a professional to help write a more comprehensive response. Vice-President Doran commented that it takes a lot of people to sign with the board on the letter. Director Piepho commented that he spoke to Joe Canciamilla, a past Supervisor, who has a project called Stop the Canal and he past on that this is a passed of the canal and that they are trying to do this in pieces so that it will get done without anyone really knowing it is happening. There was discussion about the issues of having more gates in the Delta. Ray Tetreault commented that he is a fisherman and that he had looked at the gates and that they should be open during the day for ability to pass through. He also stated that if it were to truly help the fish population then there is some merit in it. Walter MacVittie commented that there should be two letters written; one under the authority as stated in the LAFCo rules of the CSD and the other letter written to the Board of Supervisors for all other authorities not under the CSD, such as boating on the Delta, to keep it clear. Rich Kier commented that he is a boater and that where they are talking about putting the berms is the main access to Antioch, Pittsburg, Benicia and San Francisco. He stated that it is supposed to be stopping the salt water intrusion because they want to pump more water to Los Angeles and they are going to protect the fish because they are going to protect the fish from being sucked into the pumps. He stated that the other berms will be in Three Mile Slough which is the main way to Rio Vista. He stated that at the

Bay West and that there needed to be mending between old Discovery Bay and the rest of Discovery Bay. Mr. Richardson further commented that he did not share the feeling that old Discovery Bay does not care about the new Discovery Bay areas. He further commented that any costs assessed for the spill will be paid by all Discovery Bay Residents. Walter MacVittie commented about code violations in Lakeview Business Park; the truck that is parked in the front parking spots with advertising on the side, sandwich signs and the huge leasing sign. He also commented that 60 to 80 percent of the Sandy Cove Shopping Center has also started hanging window signs again. Ray Tetreault commented about not having a Landscaping Manager and that the District is shorthanded and that the position needs to be filled. Bob Mankin commented to clarify the comments made by Mr. Richardson. He commented that he did state that the one person that complained was not a resident and did not have a vested interest in the spill; he commented that it was not intended to say that she did not have a right to have a concern about the spill. He commented that there was no fine levied yet so he had not discussed that and that responsibility had not been determined. Mike Welch commented that he had commented about the fact that a lot of Discovery Bay West residents feel separated from the old Discovery Bay. He stated that he does want some representation for the residents of Discovery Bay West but that he is not trying to divide Discovery Bay. A resident that had commented at a prior meeting about the validity of the signs stated that he was wrong about the signs and that he did not remember singling out Mr. Simon's signs. He stated that he was correct about the flyer sent out without a return address from Discovery Bay Residents for a Responsible Government being in violation. He also commented that he feels that the community should work together as a whole and not with an "us" and "them" mentality.

**C. CONSENT CALENDAR**

Director Piepho made a motion to approve the Consent Calendar. Vice-President Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

**D. CHAIR REPORT**

President Murphy-Teixeira reported that the first Lakeshore Sewage Spill Ad-Hoc Committee meeting would take place October 16, 2008 at 6:00 pm. She also stated that the second Saturday of November will be the workshop. She stated that one of the focuses of the workshop will be restructuring the Community Services District (CSD) staff. She stated that the time would be 9:00 am for the workshop.

**E. DIRECTORS' COMMENTS**

Director Dove asked the Discovery Bay Southwest resident how he feels they have been short changed. The resident replied that Regatta Park is insulting as a park and he stated some figures for a full court basketball court and a bocce ball court and a community garden. He stated that lots of things could have been done and would help the desirability of the area of Discovery Bay Southwest. Director Dove asked when the CSD had taken over Regatta Park. It was responded that we have not at this time taken over Regatta Park; we only have an advisory role. Director Dove stated that when we get control of the area, he would like to see restrooms and that he is glad that the resident gave him some specifics because a lot of time, when he hears people talk about being shortchanged and they do not say how so that something can be worked on. Director Piepho commented that Regatta Park in on part of the agenda.

Vice-President Doran had no comment.

Director Piepho commented that he had the Code Enforcement report. He commented that the reports are a month behind and that he had talked to Code Enforcement about the Marples truck, and the leasing sign in the Lakeview Business and the flags and sandwich board signs in the Sandy Cove Shopping Center. He commented that he would also tell them about the 60 to 80% signage in the windows and that he will report back at the next meeting. He stated that he would be attending a Special District meeting. He stated that the president of the Hofmann Company is working with Mr. Hofmann on a land acquisition for the town and that there should be one more meeting and then he would like to report back. He asked that there be a Community Center Meeting set up for the second Wednesday in November. He also commented about the separation in Discovery Bay. He stated that the board is a prime example of a way to bring the community together, the President of the Board being a representative of Lakeshore and that in the past a board member was from Discovery Bay Southwest and that they are not elected by District so anyone can run for the board. He further commented that he has worked on Regatta Park for two years and that it is not a park it is a giant lawn, but that it was put together by the county and the developer.

Treasurer Knight commented that she has recently had to replace the sewer pipe in front of her house and that she

Sons In Retirement Service (SIRS) meeting they had a speaker who discussed Schwarzenegger's plan to study the canal and that she said that she had only just heard about the berms and that they are just a piece of the puzzle and it is coming in one piece at a time. Bob Mankin commented that he agreed with the comments about the berms. He stated that the berms will be operated according to the tides and that this is another way to clean the water before it is sent down south. He stated that the berms are to maximize flow down the San Joaquin and Sacramento Rivers. Don Flint commented that he agreed with Treasurer Knight about getting help to understand this issue. He asked if a committee can be formed to work on this. Director Doran commented about the speaker from the SIRS meeting and that she had talked about this being part of the canal. He commented that he felt that the best information would come from Chris Neudeck, the Reclamation 800 District Engineer. Treasurer Knight commented that maybe we should get together with Reclamation District 800 on this. Director Piepho commented that the Delta Communities have gotten together about the canal and the County has a point person to go and speak at these hearings. He commented that he had attended a meeting of all the LAFcos and counties of the state and they had a panel, and that the year before Chris Neudeck and Dante Nomellini, an attorney for the Delta had warned of this, but this year the panel got up and said what a great thing this is. He said that no one was buying it. He asked if the person who had spoken at the SIRS was Linda from the Delta Protection Commission. He stated that he would agree that the board should take two directors and form a committee to monitor, work on this, formulate the letters, and do a little more research and advise the board on a solid position to take and find out how the board can partner with perhaps Reclamation District 800. He asked legal counsel if it would be appropriate to make a motion to create a committee. Legal Counsel advised that the deadline for comment is November 21, 2008. Director Piepho made a motion to appoint Director Dove and Vice-President Doran to a special sub-committee on this issue to do some investigation and bring back a draft letter to the Board for consideration. President Murphy-Teixeira 2<sup>nd</sup> the motion. It was suggested that Ray Tetreault be on the committee. Legal Counsel stated that he could not be on the committee because he is on the Reclamation District 800 board and that would be an incompatible office because he has two offices. It was decided that he would be an advisor. The motion passed. (5 ayes, 0 nos, 0 abstain)

3. **Discuss, Comment and Possible Action on P-District Revenue (Zone Assessment History) Documents (Koehne)** General Manager Koehne commented that he had brought this to the board for their review and that these are lengthy documents. He stated that at the next meeting David Twa and John Cullen will be attending to talk about this and some other items regarding the P-Districts. He commented that he thought that the board might want to look at these documents and formulate any questions they might have for the next board meeting. Director Piepho commented that he agreed that it was quite a lot of information and he would agree to postpone this until the next meeting. Vice-President Doran commented that it shows that since 1983 the way the P-Districts are written is that the funds go to the Sheriff and that he can do whatever he wants with the funds. Director Dove asked if there had been a decision from County Counsel written as to where they can and can not use the funds. Director Piepho commented that he thought that would be shared but at this time, it is attorney client privilege. William Richardson commented that he had met with Bob Mankin and that he had explained about the way the funds are being spent. He commented that he had noticed that the Sheriff had not been invited to the coming meeting about the P-District funds. Director Dove agreed that the Sheriff should be invited so that everyone is in the same place. Director Piepho commented that in the past it had been a contentious situation. President Murphy-Teixeira commented that the presenters would get the opportunity to make their presentation and that they will get the same respect that anyone would get when they make a presentation. She stated that if the Sheriff is invited, he will be a part of the public and get his opportunity to comment but that he is not a part of the presentation. It was decided that the Sheriff would be invited. William Richardson commented that he had been going through a packet about this issue and that part of the issue is how to deal with some of the Zones being so small that they do not generate enough revenue by themselves to do anything with. Walter MacVittie commented about how he has been talking about this issue since the beginning of Discovery Bay West so he wants the residents of Discovery Bay West to know that people in old Discovery Bay do care about this issue. He commented that in John Cullen's memo to Warren Ruff, in page two item three, in the last sentence says "this report should demonstrate that each P-6 Zone is receiving at least the current value of police services as being collected within the zone". Director Piepho asked, "How do you define what is a zone, does it come back to the community as a whole or does it come back to each gated community?" He commented that this is one of the questions that needs to be asked of the County Administrators. Don Flint commented that he did not think that the Sheriff is working against the Town in getting this money back to the

community. He commented that at the meeting he attended, he felt that the Supervisors, the County Administrators and the Sheriff were all working on how to do this and that it is a matter of County Legal Counsel making a ruling and then they can move forward. He stated that they needed to make sure that the funds of the other P-Districts involved in this issue are not lumped together with Discovery Bay's and spread out evenly throughout when Discovery Bay has the largest contribution as a P-District of the ones involved. Jeff Barber commented that he agreed with Don Flint and that the community should get rid of the negativity toward the Sheriff and work through this situation. He commented that there has been a lot of mis-information about this issue and that he feels a decision has been made by County Counsel and that the Board needs to be involved in a constructive way to bring this to a conclusion. Bob Mankin commented that he wanted to give credit to some people that have been involved such as Walter MacVittie that brought this issue to his attention. He commented that he did want to correct a comment that was made about the funds being there, the fact is that the accounting and the collection of the P-District funds has been lackadaisical and that they are getting on that to collect the funds. He commented about how slow government works but that it will get there eventually if you are persistent and patient. He stated that Discovery Bay is the largest contributor of the P-6 District. He also thanked Don Flint for a spreadsheet that he had developed that takes the Sheriff's proposal from June and revised it with two resident Deputies out in Discovery Bay which makes more sense. He stated that there is no issue over return to source, it is the issue of flexibility and how they can spend the money, such as being able to take the five zones of Discovery Bay and make an umbrella coverage to return services. He asked that the board contact the Board of Supervisors, the Protection Committee or the Sheriff himself and say "you have to bring whatever plan you come up with before the community." William Richardson commented that he did understand that the Sheriff would want to spend more money in areas of higher crime from his general fund, but that that should not apply to the P-6 District Funds. Director Piepho motioned to postpone any action on this item until November 5, 2008 and that the Board extend an invitation to Mr. Ruff, County Sheriff, to attend the meeting of November 5, 2008. Vice-President Doran 2<sup>nd</sup> the motion. A resident commented that each city should pay for their own crime and be responsible. Ray Tetreault commented that the Sheriff is responsible for unincorporated areas not cities so these areas do not have their own separate funds. Director Piepho commented that our area does not have a lot of crime but that each community has the responsibility to keep their area safe. He commented that when serving on the LAFCo board, it was brought up that Pittsburg has 1.3 officers per 1,000 people and that Discovery Bay has approximately 15,000 people and he would like to be able to compare apples to apples regarding the coverage. The motion passed. (5 ayes, 0 nos, 0 abstain) General Manager Koehne asked for clarification if staff was to write the letter. It was responded that yes, a letter or email.

4. **Discuss and Possible Action on Trading of 1-2 yards of Bio-Solids (Compost) to Byron Boys Ranch Landscape Project (Koehne)** General Manager Koehne commented that the Discovery Bay Garden Club has been working with the Byron Boys Ranch and that they had approach him about using the compost that is a by-product of the wastewater. He commented that the Town could not give it to them but that perhaps they could barter for them to grow some trees with the compost and give them back to Discovery Bay for the use of the compost. Legal Counsel commented that it would be a value for value so it would not be an improper use of public funds. Vice-President Doran motioned to approve trading 1-2 yards of Bio-Solids for some trees from the Boys Ranch that they will grow for us. Treasurer Knight 2<sup>nd</sup> the motion. Ray Tetreault asked who was going to pay for the trees. Legal Counsel commented that even if the district pays for the trees, the Boys Ranch will be contributing something in the manner of labor. General Manager Koehne commented that the trees would be very small to let them take care of them and grow them for the Town. The motion passed. (5 ayes, 0 nos, 0 abstain)
5. **Discuss and Possible Action on Park Dedication Funds Collected by Contra Costa County (Piepho)** Director Piepho commented that they had attended a meeting at the Supervisor's Office regarding the Park Dedication Funds which are collected when new homes are built. General Manager Koehne commented that these monies were collected from single family units built between 1990 and 2007 in the census tract. He stated that this amount has come to \$110,083.00 as of July 22, 2008 for within the Discovery Bay boundaries. Director Piepho commented that there is a stipulation that if you are given this money you have to be able to maintain where the money is used. There was discussion about how to spend the funds. Director Piepho commented that they might be able to do 4 or 5 items. He asked what the Board and community feels about how to spend the funds. Director Dove agreed that they could get a few items done such as 3, 5 & 7. Vice-President Doran commented that the Community Center would need the funds to



run it. Director Piepho commented that they could ask, if there are funds left over after some projects are done, could they filter it into the Community Center Fund. Treasurer Knight commented that she would like to see it spent on things that they can see results immediately and that it should be divided up among the different community areas. President Murphy-Teixeira commented that at the meeting she got the impression that the County wanted to give the money away now and that they did not want to hold on to it any longer than necessary. General Manager Koehne commented that staff could work on the list and bring it back to the board next meeting. Director Piepho commented that he and Director Dove are on the Parks and Landscape committee and that they will probably have some more input. General Manager Koehne commented that item #3, the Shade Cover at Slifer Park, has funds in the Zone itself so when the Town takes over Slifer Park there is money for the Shade Cover where there is not a lot of money in the Regatta fund and there could be others and staff could renovate this list. Mark Simon asked what the time frame is for the use of these funds. Legal Counsel commented that the fees have to be committed to be spent in five years. Jennifer Finetti commented that if the board were to decide that a certain area were to get a percentage of the funds that that community be able to have a say in what their portion of the funds are spent on. Walter MacVittie commented that the funds should go to the areas of Discovery Bay where they were collected. Director Piepho commented that the funds are not able to be separated by area of Discovery Bay. It was only separated by the community as a whole. A Regatta resident commented that he wanted to know if the board could do these projects on a discounted rate and with volunteers. Legal Counsel commented that volunteers can be used if it is done properly and that purchasing can be negotiated, but when anything goes over \$25,000.00 it has to go through the formal bids process. Director Piepho asked if the board wanted to wait until the next meeting to give it more thought and see if they want to knock out the majority of these and then put the over-fill into either one of the other projects or both of them. Director Dove asked if it could be put on the website for comment by the community. Director Piepho made a motion to postpone any decision until the next meeting of November 5, 2008. Vice-President Doran 2<sup>nd</sup> the motion. Director Dove asked that staff put it on the website in the meantime. General Manager Koehne stated that there is sometimes a problem with getting information on the website in a timely manner, but that he would research it. Director Piepho added to his motion that staff solicit public input and including putting in on the website if possible. Vice-President Doran approved the addition. The motion passed. (5 ayes, 0 nos, 0 abstain)

6. **Discuss, Comment and Possible Action on Benefits for District Staff (Koehne)** General Manager Koehne commented that staff has no benefits other than vacation, holidays and sick time. He stated that this is a lot to comprehend, so he suggested that the Board look at this and digest it. He commented that staff had gone to other similar agencies to see what type of benefits they offer their employees and what cost they pick up for that. He stated that it averages around \$470.00 to \$500.00 per employee per month, primarily medical. He commented that not all staff needs medical. Treasurer Knight asked if the District is able to get the benefits through the ACWA and if there are significant discounts. General Manager Koehne went through the spreadsheet which shows various other agencies programs and then a program that an insurance agency had quoted for the District. General Manager Koehne commented that the main question is, "What does the District want to contribute towards benefits for each employee?" He further commented that if there are any post benefits the District has to keep other records called the GASB45 and that the District has to put money aside that cannot be used for any other purposes. Treasurer Knight commented that in corporate, the employee pays a significant amount of their benefit cost, and that she would be in favor of the employee paying some part of the cost. She further commented that she does feel that the District definitely needs benefits. Director Piepho commented that it is a lot to digest and that there are a lot of ways that benefits can be done. He commented that the District started with the mindset to keep the costs low. He commented that when they think about this that ultimately it will go back to the rate payer and they need to take it slow, however he does feel that they need to look at this. He suggested that this be put into the workshop. Vice-President Doran had no comment. Director Dove commented that going forward the District needs to have this in the package for bringing on any new employees to be competitive and that he feels that they need to digest this and that the workshop would be a great place to start incorporating it. Ray Tetreault commented that this is a very complicated issue and that he suggests the board get a professional to help with this. General Manager Koehne commented that staff had gotten a professional. Walter MacVittie commented that they had just gone through the annual plan update at his company and that it costs more each year and that the District should offer a plan but be reasonable to both sides. Mark Simon commented that the last employee hired was supposed to be paid higher because they

do not get benefits. He commented that if you are giving the employee high end pay, then will the pay be adjusted when benefits are offered, so we are not paying over top dollar and benefits. Jennifer Finetti commented that she is a small business owner and that they supply benefits for the employee but they do not cover their dependents. She commented that she feels as a public agency there is a responsibility to provide some kind of coverage to the employee especially if the other Towns in the area, unincorporated or incorporated, are offering them. She stated that also it is related to how much money a person is making. Director Piepho commented that a lot of Boards, when they offer benefits, the Board also takes the benefits. Director Piepho made a motion to postpone the item until the Workshop on November 8, 2008. Vice-President Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

**G. GENERAL MANAGER REPORT**

1. **Update on Lakeshore Wastewater Spill** General Manager Koehne commented that there had not been an Ad-Hoc Committee meeting. It would be on October 16, 2008. He did comment that the District had received a Notice of Violation letter from the Regional Water Board as it relates to the spill, that they want more records and that it is being addressed by Southwest Water (SWWC). He stated that he would go into more detail about that at the Ad-Hoc Committee meeting. He commented that the Regional Board has come to the plant and spent approximately 16 hours doing interviews with primarily SWWC staff and him. He stated that they have put together their preliminary findings. Director Piepho commented that he and the board had received the letters from the Regional Board from a member of the community and that he wanted anything that comes in about the spill to go to the Board members immediately so that they know what is going on. He commented that the letter had line item after line item about where the District had failed. He stated that he wanted to know whether staff or SWWC had dropped the ball. He commented that, on something as important as this issue, he felt that SWWC should be coming to the meeting and giving a report of the situation. He then read through the items on the letter. He asked if the rules that were broken according to the letter were known by staff or SWWC and that the Board wants to find out the answers to these questions. He asked staff why they are in violation of all the items. General Manager Koehne explained that he felt that SWWC were the ones at fault. He further stated that he had invited District Engineer Gregory Harris because he knows more about the laws. He stated that the Regional Board had asked for some information that apparently SWWC did not provide properly. He commented that he was not sure how SWWC was going to know how many power outages had happened in a 5 year period and what affect it had on the effluent or the quality of the wastewater leaving the plant. He stated that SWWC operates the facilities and that it is staffs responsibility to put the fire to them to be sure that they do respond to these items. He stated that he believes there may be a vendetta against SWWC who runs several plants through out California, and that they chose SWWC because they were the lowest bidder for the job and that they have are at a lot of facilities in California. He stated that it is very difficult to be up on all the rules and that the Regional Board seems to be pushing that on this issue. Director Piepho commented that in reading the letter he sees that they are pushing that and he sees that one event trips many others. He commented that General Manager Koehne is an extension of the Board and that they need him to get to the bottom of this issue. He would like to see some higher ups in SWWC come to a meeting and discuss this and not SWWC employees to come to the meeting and get defensive. Director Dove commented about a letter from the Regional Board. He said the items that are mentioned in that letter, one being that the new SCADA System seemed not to be fully functional and that the old SCADA System was not completely reliable. General Manager Koehne commented that the old SCADA System is having problems and that is why the District it transferring over to the new SCADA System. He further commented that there are a lot of false alarms that SWWC does not want to take ownership to. Director Dove read that the letter said that the Assistant Manager of SWWC stated that he still frequently finds the SCADA phone lines disconnected. General Manager Koehne commented that he did not know where SWWC got that information. Director Dove read another item that stated that the training of operators is inadequate. He stated that SWWC are paid to run the plant with qualified people. General Manager Koehne responded it has always been an issue that SWWC pays a very low wage, they get the bare minimum, the employees train here and they leave. Director Dove read another line item that plant staffing is inadequate and it is indicated by a twelve page backlog of work orders. There is also an indication that this backlog does not include all outstanding back orders. He stated that he would expect SWWC to be here. Director Piepho commented that even though SWWC is the lowest bidder for the job, that should not mean that they do not do what is required of the job. Director Dove commented that the items on the list are not extra things, they are mandatory regulations and they should be done. District Engineer Harris commented that he and General Manager Koehne had met with SWWC on numerous occasions over very similar issues, dating back a year. He

stated that in January of this year, they had a three hour meeting with SWWC over very similar issues. Meeting minutes were taken, action items were generated, they had a firm commitment from Kathy Stone of SWWC, however nothing occurred. He stated that General Manager Koehne has been very proactive in trying to get SWWC to respond to endemic problems that are noted on that list, similar to the listing from the Regional Board for well over a couple of years especially this year. He stated that SWWC does not have enough people at the facility and that they prioritize their people to run the wastewater plant. They go to the hottest fire and work on that. He stated that he personally spoke to SWWC manager regarding the five-day report of the Lakeshore spill and asked if this report was going to be done and his answer was "no", because they did not have the staff to do it. He commented that he and staff have constantly talked to SWWC about the fact that they do not have the amount of staff that they have committed to. He commented that it is true that the District has become more complex than it was. He commented that in January of this year they identified the problems with SCADA and they have had Telstar working, one issue at a time, constantly since then and it is much better than it was. He commented that it is a good question why someone would unplug the SCADA line. It makes no sense and they have a meeting tomorrow night to go over the spill specifics, about what occurred and the response since then. Director Piepho commented that the board would have wanted to know that there was a problem with the service of SWWC. Director Dove commented that after having a spill, knowing that we would be under a microscope, that these things could have occurred. District Engineer Harris commented that a lot of the items on the list are similar to the list that staff had given SWWC before such as the backlog of work orders. There was discussion about the staffing at SWWC. Director Dove asked if the plant with the UV System is operating at a level that we are passing our permit. District Engineer Harris responded that it was. He stated that the Regional Water Board wants to put new requirements on with the new permit. He stated that there were violations earlier in the year with the bacterial levels because SWWC was not operating the plant properly. He stated that the UV system could be made more reliable but that it is operational and functional now and that we are meeting our discharge permit now. Director Piepho asked if the committee could get everyone together and then do a Q & A at the board meeting of November 19, 2008. Walter MacVittie commented that it looks like staff has been really looking at this situation, but he thinks that the communication issue should be one of the items on the planning meeting. Jeff Barber commented that he feels that the Board is terrible at setting priorities and that the Board has been asked to look into this right away and have not done so as in several issues and he feels that is as serious an issue as a lack of communication. He stated that he has submitted a public request for any communications with SWWC in a negative context. He stated that he thinks that SWWC is in breach of their contract and the board needs to look at that. He asked if SWWC had ever been put into Breach of Contract. General Manger Koehne responded that they had not. He further responded that there is a 30 day out in the contract for both parties. He commented that if they chose to exercise their 30 day out there would be more problems than we are having now without a contractor to run the plant and the time it would take to get another company familiar with the district to run it efficiently. He commented that SWWC is running the plant at a level that does not caused any infractions to our permit on a daily basis, and that staff is trying to get them to clean up the other issues. Jeff Barber asked if any senior management of SWWC has come up to deal with the problem. General Manager Koehne responded that they had not at this point. Mark Simon commented that SWWC needs to go and that their lack of response to the list of items from a year ago is unacceptable, that they are not going to do the job. Either they can't do the job, they do not want to do the job or they are not qualified to do the job. Brian from Regatta thanked the Board for their compassion to hold in when people rile at you using words like community. Mark Doran commented that he is surprised that there is not a Standard Operating Procedure (SOP) in place for operating a sewage plant. He asked legal counsel who is ultimately responsible for the spill. He stated that we should be in charge of having SOPs. It was responded that SWWC has the SOP's. General Manager Koehne commented that he had asked District Engineer Harris to talk about the new NPDES permit. District Engineer Harris commented that there is on Operations & Maintenance Manual about how to run this District. He stated that the District owns it, he wrote it, and that there are ample procedures on how to run the District. He commented that regarding the new permit, the process is that they give you a draft permit, you talk back and forth, then they go out for public comment and you negotiate towards your final permit. He stated that the District's permit is now out for public comment. The District's permit sets things like what pollution levels you are supposed to achieve, how you go about achieving those levels and any new requirements that might be required to be met. He stated that new requirements mean that new money has to be spent to achieve those. He stated that there is good news about the permit, and that is that the copper limit has been changed. He stated that he and staff have been working very diligently to show the science to the Regional Board and the State Board that they have incorrectly interpreted their copper rules for the last five years

including your last permit. He stated that they have agreed and they have relaxed the copper limit. He stated that they have relaxed it to the point that we will no longer have a copper violation and that if they had applied this science to the previous permit there would not have been any copper violations. He stated that staff had told them five years ago that they were fining us incorrectly. Director Piepho asked if there was any recourse for the previous fines. District Engineer Harris commented that he would wait until the new permit is final, so the District is protected for the future. He commented that it would be something that the District would have to discuss with their attorney. Director Piepho commented that it was his understanding that was where the majority of the District's fines had been in the past, copper violations. District Engineer Harris commented that over half of the District violations have been for copper violation. He further commented that there are a number of work plans required, there are new pollution limits required, what they do is give you new pollution limits and they say "go study how you are going to meet this limit and then give us the study and a plan, tell us what you are going to do." He stated that when the permit is approved it will trigger a timeline of hiring an engineer to do reports to come up with the requirements, so the District should set monies aside for that. He stated that the Boards are also trying to set salinity and conductivity standards for the Town of Discovery Bay. He stated that the original standard was below the drinking water standard. He stated that they have worked on that standard and it has been relaxed and they want a salinity work plan put in place and to execute it. He commented that the salt based water softeners might become an issue. He commented that there may be issues with the UV system in order to comply with the new permit.

General Manager Koehne commented that he had some examples of nuts and bolts that had rusted in the ground that had caused some major water leaks in the past two weeks if the Board or the public wants to see what the ground soil does to bolts. Director Dove asked if the bolts were replaced with stainless steel bolts. General Manager Koehne responded that they were.

General Manager Koehne commented that he had attended court regarding the theft of the water meters. He commented that it was a preliminary hearing and that it will go to trial probably the first part of the year.

General Manager Koehne commented that staff is in the process of having the palm trees trimmed and that a barbeque grill is being replaced in Cornell Park and the landscape turn over is still planned for November 1, 2008.

General Manger Koehne showed a pipe clamp that would be put over a split in a pipe. He commented that this is the first time in ten years that he has had a pipe split.

#### **H. LEGAL COUNSEL REPORT**

Legal Counsel commented that he had given his report under item F1.

#### **I. CORRESPONDENCE**

##### **Information Only**

1. R – State Route 4 Bypass Meeting Minutes for September 11, 2008
2. R – E-mail from Supervisor Piepho re: State Lawmakers Must Work Together – October 3, 2008
3. R – Press Release from Supervisor Piepho re: Applications for Mobile Home Advisory Committee October 7, 2008
4. R – Board of Supervisors – Consider Status Report on Highway Safety Improvement Program – September 16, 2008
5. R – Letter from County on 2008 Annual Training for Advisory Bodies to BOS – November 13, 2008
6. R – Draft Contra Costa Special Districts Association meeting Minutes of July 21, 2008
7. R – Letter from Sheriff re: Supervisor Piepho's Sept 18<sup>th</sup> letter on P6 District Monies – Oct 1, 2008

#### **J. FUTURE AGENDA ITEMS**

1. Discussion with David Twa & John Cullen - County Administrator/s – November 5, 2008
2. Presentation by "Code Red" – November 5, 2008

Treasurer Knight asked for the Camera she has discussed earlier be put on as a future agenda item.

#### **K. ADJOURNMENT**

Director Piepho motioned to adjourn the meeting. Vice-President Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain) The meeting was adjourned to the next Regular meeting of November 05, 2008 starting at 7:00pm.



# TOWN OF DISCOVERY BAY CSD

## Lakeshore Sewage Spill Ad-Hoc Committee

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1800 Willow Lake Road, Discovery Bay, CA 94505 Telephone: (925) 634-1131 Fax: (925) 513-2705

### Committee Members

Chair-Shannon Murphy-Teixeira  
Board Member – Dave Dove  
Staff Member – Virgil Koehne  
District Engineer – Gregory Harris  
Public Member – Carlos Tabarini  
Public Member – Walter MacVittie

**MINUTES OF A SPECIAL MEETING OF THE  
LAKESHORE SEWAGE SPILL AD-HOC COMMITTEE  
OF THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Thursday, October 16, 2008**

1800 Willow Lake Road  
DISCOVERY BAY, CALIFORNIA  
MEETING at 6:00p.m.

**A. ROLL CALL**

Chair Murphy-Teixeira called the meeting to order. She reported that all members were present with the exception of Carlos Tabarini.

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

Carlos Tabarini came in. Bill Richardson commented that the committee was supposed to be for fact finding. He commented that all the members of the committee should not be on the committee because they are not independent of the situation. He commented that he thought that they should appoint Walter MacVittie to the Chair position and then have him find two more people to be on the committee who do not qualify as foxes guarding the henhouse and make the rest of the current committee members advisors. Jeff Barber commented that he had wanted an independent panel to be sure that issued are handled. He also commented about the need for looking at the Southwest Water Company (SWWC) contract. He further commented that the CEO of SWWC should be brought in to discuss this situation. Roger Michelbrink from SWWC commented that he was from the corporate office and that the Vice President of Operations and the Vice President of Compliance would be coming out next week. He commented that they are not devoid of knowledge of this situation and they are trying to deal with it.

**C. NEW BUSINESS FOR COMMITTEE CONSIDERATION**

- 1. Report on Sequence of Events re: Lakeshore Spill (Koehne)** General Manager Koehne explained that he had asked for a report from PG&E about the power outage on July 17, 2008 because this issue seems to have stemmed from the power outage. He reported that PG&E had reported that they had received the first call in from Contra Costa Fire Department at 9:53 am on the morning of the 17<sup>th</sup>, which was Thursday morning. It was reported as a wire down near the Golf Course and a small grass fire. He reported that PG&E responded and was enroute to the scene at 10:01 am. He reported that they were on site to do the repair at 10:26 a.m. He reported that at 11:28 am they resolved and completed the repair. District Engineer Harris reported that he had reviewed the SCADA data in conjunction with the information from PG&E and it showed that power did not go out equally throughout Discovery Bay. He reported that power went out at Treatment Plant #1 first and then power went down at Newport Lift Station. He reported that power went out, according to the SCADA log, at Newport Lift Station at 10:32 am on the 17<sup>th</sup>. General Manager Koehne

asked if the clock on the SCADA System is accurate. District Engineer Harris responded that based on the information received from PG&E that the information from SCADA logs look accurate. He reported that it looks like the power loss cascaded through the area. There was discussion how the power went out at the Golf Course then went out down Highway 4 area to Sandy Cove Shopping Center and Centex then down Bixler Road. District Engineer Harris reported that the SCADA log shows power returning to the Newport Lift Station at 10:59 am. General Manager Koehne reported that the Sewage Spill was reported to the District at approximately 9:00 to 9:15 am on July 18<sup>th</sup> by the Homeowners Association (HOA) manager which is Homeowners Business Management (HBM). He reported that he then called Randy of SWWC. He reported that SWWC stopped the overflow at 9:25 am. He stated that the spill was reported to be by the Recreation Center in Lakeshore. Member MacVittie asked how the spill was stopped. District Engineer Harris responded that the log showed that Randy Johnson, the Operations Manager for SWWC in Discovery Bay, arrived at the Lift Station and found that pumps 1, 3 & 4 had faulted, the VFD Drive had faulted because of the power outage, pump 2 was running. He further reported that Randy Johnson reset the drive by pushing a button, which cleared the fault. He reported that Randy Johnson put pump 1 & 4 on wide open and that brought the level down enough in a few minutes that it no longer overflowed. He reported that it took approximately one hour to one hour and one half to drain the entire collection system down to normal levels. Carlos Tabarini asked about pump 2 running at a lower rate than normal. District Engineer Harris responded that there were two issues; one that the pumps run on a variable drive that controls their speed and pump 2 was stuck at fifty percent speed which is 28 Hz. He stated that this would not have caused an overflow because even at fifty percent the pump still has sufficient capacity to pump all the sewage at the Lift Station. The other problem identified with pump #2 was that the discharge valve on the pump was ninety percent closed. Member Dove asked if that was a manual valve. District Engineer Harris responded that it is a manual valve with a hand wheel on it. Member MacVittie asked if that was the default position. District Engineer Harris responded that it was not in the default position and that to his knowledge the valve should be left open unless you are taking the pump out for repair and that the purpose of the valve is to allow the pump to be taken out for repair. Member MacVittie asked about the reason for the valve being ninety percent closed and if there are Standard Operating Procedures (SOP) for the pump stations and the valves and their positions. District Engineer Harris responded that the responsibility of maintaining the pump stations and the valves lies with SWWC. He further stated that he did not know if their SOP has anything in them about checking that the valves are open before turning a pump on. He stated that he did not think it would be written in the SOP because it is such a basic training procedure that it might not be in the actual written part of the SOP. Director Dove asked when the last time was that pump #2 had been worked on. District Engineer Harris stated that he did not have records of when the pumps are worked on. He stated that SWWC should have the maintenance records of when the pumps are worked on. Carlos Tabarini asked if there was any electronics on the valve that would have recorded somewhere. District Engineer Harris responded that the valve is completely manual with no electronics. He further stated that there is an arrow on top and that a trained operator can look at the valve and see if it is open or closed. Member MacVittie asked for clarification of his understanding being that if the valve had been in the correct position that this spill would not have occurred. District Engineer Harris responded that this was correct. Member MacVittie asked how long this valve was in this semi-closed position and what sort of maintenance or processes do we have with these pumps so that we would know when was the last time that someone had physically been at the Lift Stations. District Engineer Harris responded that the operators keep a daily log. He stated that when they visit a Lift Station they are supposed to log the information relative to the Lift Station. He stated that the daily log showed that they visited the Lift Station at 11:15 am on Thursday the 17<sup>th</sup> of July, which was fifteen minutes after the power came back on. He reported that the log lists what time they were there, they read the meter hours on the pump that tells them how long the pump had been running since the day before, and they write down the level in the Lift Station. He reported that they also write down the pump station flow if it is available for them. General Manager Koehne commented that the four pumps are set up to not come on all at one time. He explained that there is a lead pump and a lag pump. He explained that at this particular pump station they are programmed for pump #1 to be the lead pump for that month and that pumps #'s 2, 3 & 4 are lag. He further explained that if you look at the logs for that month that pump #1's read keep moving but that pump #'s 2,3 & 4 are staying the same which shows that pump #1 was running and that the other pumps were not because they were in lag. General Manager Koehne explained that the power failure probably caused pump #1 to fault and that is why pump #2 kicked on. Member Dove asked if the lines from the pumps were separate. General Manager Koehne and District Engineer Harris explained that the lines from the pumps were separated with valves before the "Y" so that if you need to change a pump you could shut the one pump so the flow does not come back in. There was discussion about when the valve could have been changed and if the company programming the SCADA System would have had any reason to close the valve. It was responded that there was no reason for the programmers to close the valve. District Engineer Harris stated that to see when pump #2 was last used as the lead pump, you would have to go back in the logs

to the previous month. Walter MacVittie asked how obvious is the indicator on the valve and is it part of the daily procedure to check the valves. District Engineer Harris responded that it is hard to see and that you would have to go over and look down to see it and that it would never be an operator's assumption that someone had closed the valve. District Engineer Harris explained that the SCADA System showed when the power came back at 10:59 am and it read there was a Drive 1 VFD Failure, Drive 1 Pump Fail, and at 11:02 am Pump 2 On, this shows that when the power came on pump 1 started and failed and then the computer started pump 2. District Engineer Harris reported that at 12:57 pm there was a High High Level Alarm on SCADA System. Member Dove asked where that alarm would show. District Engineer Harris responded that the alarms displays on the screen at the pump station and displays on the SCADA Screen if you are at Plant 1. Member MacVittie asked what would be the standard response to the alarms. District Engineer Harris responded that normally alarms go through SCADA and go over the SCADA phone system to call an operator to alert them of the problem. He further explained that Randy Johnson's report stated that the phone was unplugged. He further explained that the operator's log showed that an operator was at the Newport Lift Station at 11:15 am on the 17<sup>th</sup>. He read that the log was noted that the wet well level in A was 12.62 feet and he wrote down the run times on all the pumps. He stated that normal operating level of Newport Lift Station is from four to eight feet, which meant that he wrote down that the wet well was four feet above normal operating level. District Engineer Harris stated that during the time that the operator was writing his log there would have been a light on the display flashing Fail and there would be a light on the local control panel where he would read 12.62 feet, from that he would read Pump Failure and High Level Alarm. He further reported that the operator log reads on the 18<sup>th</sup> at 9:35 am that the level is 18.68 feet, which is overflowing, the run status on the pumps, they reset the pumps to turn on the pumps. General Manager Koehne responded that SWWC might have written the report after they actually did what they wrote down, especially since there was an emergency situation. Bill Joplin from SWWC asked if the information was from the new SCADA System or the old SCADA System. District Engineer Harris responded that it was from the old SCADA System. Bill Joplin commented that after a power failure he would assume that the sewage would back up because the pumps had been down, he would not consider that level to be abnormal for the situation. He also stated that he had closed the valve on pump #2 because the District had just completed putting a new valve station on line and until that valve station was definitely okay to run he had left it in that position in case he needed to go back in an emergency to divert the flow as they had originally diverted it. He stated that when the power failure occurred he was on vacation and that he happened to be in the area so he assisted in a couple of things and then went back on vacation. He stated that he had also found that the phone line was unplugged and that he had checked the SCADA log on the old SCADA and that there was no High Level alarm. He stated that he had created a high wet well alarm on the old system and it did not call. The PLC called the old one, it did not call the new one, there was no address and he believes it has been corrected by a technician since then. Member MacVittie asked if there were any other wet wells during this power outage that went down. District Engineer Harris responded that Lift Station J went down. Member MacVittie asked if Lift Station J also had an alarm of High. Bill Joplin responded that no it had an alarm of Power Failure. There was discussion about whether the operator should have reset the pumps when he was at the station and if there was a way to find out what the flow was and that the screen had to be turned on. Bill Joplin commented that there were two technicians working on the system at the time of the power failure and that they don't usually interrupt them to get to things and that they unplug the phone lines to communicate with the manufacturer of the software. District Engineer Harris stated that he had discussed this issue with the vendors of the SCADA System and they have stated that they have no reason to take down the SCADA System or unplug the phone lines. Chair Murphy-Teixeira asked what other reason would there be to unplug the phone lines. Bill Joplin commented that he now walks in after the vendor leaves and has found the phone lines unplugged and that he plugs it back in or he will call the system to check that it is plugged in. Carlos Tabarini asked if there was anyway to verify what the vendors were doing on the SCADA system at the time of the power failure or that day. District Engineer Harris responded they were programming on the new system, copying code across from the old system had already been done, and they were comparing alarms at the time, both systems had been activated to be making phone calls. He commented that they were trying to get the operators used to getting both alarms to be sure that the alarms were working. Member Dove asked if this phone line was a dedicated line. District Engineer Harris responded that it was. Bill Joplin commented that the new SCADA System when it was giving alarms was for comparison of the old system and that they did not know the accuracy of it. Also, Telstar had not said that it was 100 percent accurate, reliable, run it and depend on it that still has not happened. District Engineer Harris commented that they were testing it and that they are still testing it. Carlos Tabarini asked if there is not a threshold that would trigger a reaction on an event since. He asked that since the operator saw that the well was four feet high and that was not a trigger what would be a trigger. Member Dove commented that the operator had been there writing down the numbers and left. Bill Joplin commented that the operator had been reprimanded. There was discussion about how you would see the level in the wet well. The flow indicator was on another screen and

you would not physically check the wet well because you would have to lift the lid and look down and would not be able to tell the depth by just looking in the well. Chair Murphy-Teixeira asked if this was now standard procedure that the phone lines are checked after every vendor visit and if after a power failure that levels of the wet wells are checked and the flow level. Bill Joplin responded that he would personally do it and is. Carlos Tabarini commented that it seemed that this was a personal procedure for Mr. Joplin and not something that is being written in the procedure of SWWC. Member MacVittie asked for clarification of when the High High alarm had been responded to. District Engineer Harris responded that on the 17<sup>th</sup> at 12:57 the High High Level alarm went off. There was discussion about the phone lines being unplugged and if any operators go into Plant 1 where the screen is for the entire SCADA System and the fact that the SCADA technicians may have been working in that Plant on the system during the day. Member MacVittie asked if there was an alarm at the Newport Lift Station and why the operator did not notify anyone about it or question the fact that there had not been a call about it. Bill Joplin responded that the vendor was working on the system and that he should have also seen an alarm and questioned if it was real or one that they were generating as a test. There was discussion about red tagging the valve so that someone else would have known that the valve was partially closed. There was discussion about writing the SOP to include things that have become issues from this spill. Bill Joplin commented that he has taken it upon himself to call the system to be sure that it is functioning. General Manager Koehne commented that they are looking at having the SCADA System call out through cellular rather than the phone lines. Roger Michelbrink of SWWC came to the podium to answer questions. Rich Kier asked the District Engineer if the daily logs included a flow reading. District Engineer Harris responded that the logs do not have a place for it. They have a flow total but they do not write down the instantaneous flow. He stated that they would have to flip down the screen to get that. Rich Kier commented that they should do that in the future for a back-up to see if there may be problems. Roger Michelbrink commented that that would be something that they could add to the log. Ray Tetreault asked about the High High Level alarm and the fact that at the last meeting they were told that the programming was cross addressed and that the alarms never got to the SCADA. District Engineer Harris stated that, by the SCADA logs, it shows that the High High Level was recorded on both systems. He further commented that if the phone lines were unplugged that they would not have gotten that alarm that they would have had to physically go to Plant 1 and look at the screen. Member Dove and MacVittie commented that it was mentioned that the system was not programmed correctly and that there had not been any mention of the valve being closed. District Engineer Harris commented that the original report did mention that a valve had been closed but it was not mentioned in the report that an operator was at the Lift Station fifteen minutes after the power came back on and that the level was high. He commented that General Manager Koehne had asked that SWWC review this issue and if necessary amend the original report to the Regional Board. He stated that the Regional Water Board has asked for all the same information that he has reviewed and that they have sent for more information. He commented that he would presume that in reading this information they will see that an operator was there fifteen minutes after the power came back on and saw the alarms and walked away. He stated that there is not a mention of the operator or of a reprimand. Pat Richardson asked about why the operator did not look at the screen. General Manager Koehne responded that at the Newport Lift Station there is a screen on the wall where the alarms come. District Engineer Harris commented that the operator saw the alarms at the Lift Station, did not notify his head operator and that he left. Bill Joplin questioned that the operator saw the alarms. District Engineer Harris stated that you cannot walk up to the screen and write down the flow off the screen without seeing a flashing light in front of you. There was discussion about whether the operator would be able to see the alarm or if it was possible to overlook the alarm. A resident asked about why it is not standard procedure to check everything out after a power failure and why they did not check the valve. It was responded that there is power redundancy if the power is out for a long time, they would bring generators in to hook up and keep the pumps functioning. It was also responded that the valve handle is like a car wheel you turn it one way to open the valve and the other way to close the valve and that it would not be obvious that it was closed unless someone specifically decided to look at the arrow on the handle. Member MacVittie commented that if there was an operator reprimanded that he would like to know what he was reprimanded for and what was the corrective action taken. Bill Joplin commented that each pump at every lift station is supposed to be exercised every day, every water plant, every well, every pump, every motor at the Wastewater plant and that takes two operators four hours a day to do. He stated that this leaves one other operator to do other things. Then he commented that after the power failure, the fire and the emergency generator at Plant 1 had a switch gear fail. Also, he was on vacation so they were down one operator. They were probably running behind and the operator didn't do what he should have done. Member MacVittie commented that if every day they are supposed to exercise the pumps, that would have solved the problem. Kathy Stone, District Manager from SWWC, commented that they will be modifying the round sheets to say "check for High Level alarms", "check for phone lines", and other additions that will address some of the issues that have happened. Carlos Tabarini commented that the CSD should also request some items on the SOP such as "the pumps should be exercised every day". General



Manager Koehne commented that he feels that the Regional Water Board is looking at things more than we are looking at to find any problems and it will be better if we find the problems before they do. Ray Tetreault commented that at the last meeting Randy Johnson of SWWC stated that there were other problems with the SCADA system. He commented that maybe the other stations should be checked. The District Engineer responded that those had been checked. He further commented that the reason that they were putting in a new SCADA System was because General Manager Koehne had found deficiencies in the old system. He further commented that they had put together a spreadsheet to track every signal that is received from the system and the vendor has been tracking every signal from the source to the SCADA and it is mostly complete. There was discussion about the growth of the operations of Discovery Bay compared to the growth of the staff at SWWC and the possibility that there needs to be more staff added. The District Engineer commented that, according to his calculations, it took another ten hours for the well to overflow. He commented that if they had gone back to the lift station they would have seen that it was still in "alarm" and that the pumps had not reset. General Manager Koehne continued the timeline of the Lakeshore Spill. He stated that on the morning of the 18<sup>th</sup> the spill had occurred, SWWC got called out, they turned on the pumps and the spill was stopped. He stated that now there was the clean-up. Member MacVittie asked for the count of staff for SWWC. It was responded that there is a manager, an assistant manager and three operators. It was responded that the Manager's office is at Plant 2 and that the old SCADA screen is at Plant 1 and that, at the time of the spill, it was only viewable from Plant 1. It was commented that the SCADA system can now be viewed from any location by computer and the system is being moved to Plant 2. Bill Joplin commented that there were two technicians working on the system at that time and that it would take an operator to help them trip alarms and things to test the system while they are there. General Manager Koehne continued about the clean up of the spill. He commented that the information he is relaying is based on information given to him by SWWC. He stated that they said that they cleaned up the site and that generally when there is an untreated wastewater spill on the ground, it should be corralled or contained. He stated that they brought the vac truck over and sucked up the part on the ground. He stated that they then disinfected that area. He stated that if it reaches any body of water that there is no known procedure that cleans, sucks or treats that water. He stated that they then came back and put up signs in the area. He stated that they then collected water samples from the area where the spill occurred. He stated that the first samples were taken on 7/18/08 at six different locations at the lake. The second samples were taken on 7/22/08, then on 8/08/08 and again on 8/29/08. He stated that the next step to do after the spill would be to call in the spill to the Office of Emergency Services (OES) and the Regional Board indicating what had transpired. He stated that the call was made shortly after 1:00 pm July 18<sup>th</sup> by phone to the California OES. He stated that they had called the Regional Water Control Board and Contra Costa County Environmental Health. He stated that the online reporting, CIWQS, had been started on the 18<sup>th</sup> at 13:50 hours but could not be completed because they did not have the longitude and latitude of the site. District Engineer Harris commented that the online reporting was completed on 8/11/08. It was discussed that the online reporting has problems with it not being able to save what you have done so you can come back and put information in at a later time and that it will kick you out if you do not complete it in a specific amount of time. District Engineer Harris stated that after the reporting, they completed the clean up of the site. He stated that, according to their report, they used chlorine and physically picked up trash. He stated that the Regional Board came out to inspect the area and, at that time, they found additional sewage debris on the ground and pointed it out to SWWC who went out and cleaned up that debris. There was discussion about the difference of opinion of what the inspectors found versus what SWWC said they had found when they went back out and whether or not there had been gardeners out that had exposed other areas under the bushes that had not been seen at first. There was discussion about the chlorine leaving a white residue at the site. There was discussion about the lack of signage around the clean out where the spill came from. Bill Joplin explained that they only put signs where they felt there was a hazard, and that was the lake itself. The rest of the area of the spill had been cleaned with chlorine. Carlos Tabarini commented that to a lay person, it would have been more comforting to know that there had been a spill in the whole area and that it would be good to stay away from it for a period of time rather than just a few signs that didn't really notify everyone. General Manager Koehne commented that the Regional Water Board has noticed that every site handles things a little different and that is why they have asked all wastewater facilities to come up with the SSMP plan. He also stated that going forward if there was ever another spill they would put more signs for the residents. SWWC commented that there will be more signs on the new SOP.

2. **Report on Submission of Required Reports (Koehne)** General Manager Koehne stated he would have to have SWWC explain why they did or did not report. Member MacVittie asked if they could get the requirements for reporting. He also asked about the requirement for the five day report, if there is one or not. Roger Michelbrink commented that there are five day reporting requirements listed in the SOP for wastewater plants. He stated that this specific procedure, of which there are about eight of them across the state, in order to standardize as of August 8,

2008, they are supposed to have operators sign to realize that there is a five-day reporting requirement. He stated that previous to August 8, 2008 it was dependant upon whether or not that was in your permit requirements. Member MacVittie commented that he was referring to the order from the State Water Resources Control Board dated February 20, 2008. He then commented that the one from the Central Regional Water Resources Control Board was dated August 8, 2008. He also referred to an order from the San Francisco Bay Regional Board that was dated May 1, 2008. He asked if the different districts have different dates that they fall under the guidelines. Roger Mickelbrink stated "Yes, that is part of the confusion in the reporting requirements." Member MacVittie commented that the letters refer back to a 2006 letter that makes reference to a three day report after a spill, so if the new one was not in effect then at least the 2006 requirement would be in effect. Roger Mickelbrink commented that he had not seen the 2006 letter but that he only moved here recently. There was further discussion about which order for reporting was in effect at the time of the spill. Member Dove asked if SWWC was currently aware of all the reporting requirements. Roger Michlebrink responded that they were and that he had sent Jim Fisher a draft SOP today to be sure that all the timelines are in the current SOP and then they will send it out to all the California facilities. General Manager Koehne commented that the spill that occurred recently on Highway 4 on September 29, 2008 and that they have thirty days to report that spill because it was a category 2 and he has spoken to Wendy Wyels and she stated that they had reported it properly. Member MacVittie commented that someone should call Pamela Credon, the executive officer of the region, and ask if that was the effective day of the new procedure. It was commented that if the date was in fact August 8, 2008 then the reporting would fall under the 2006 requirements. There was discussion about going over the response that has to go out on October 22, 2008. It was decided that the committee would meet on Monday October 20, 2008 at 6:00 to go over the response that it due on October 22, 2008. Carlos Tabarini and Member Dove asked about the issue of whether the aerators should have been on or not. General Manager Koehne commented that engineers would have a difference of opinion about the aerators being left on or not. Member MacVittie commented that there are several factors that have to be taken into consideration; wind, the height of the aerators, whether it is in a residential area, whether the aerators are variable, etc. Member Dove asked if this happened again what would we do. General Manager Koehne stated that the County Environmental Health should be the ones to decide. Member MacVittie asked if it would be safer to shut the aerators down until Environmental Health gives the go ahead. SWWC stated that they would put this into the SOP to shut down the aerators until they have the go ahead from County Environmental Health to turn them back on. Member MacVittie asked for a copy of any reports that have been submitted. Member Dove asked for a copy of the contract with SWWC. Chair Murphy-Teixeira asked for the SCADA phone logs. District Engineer Harris commented that the information that there was an operator at the site fifteen minutes after the power came on will become evident to the Regional Board when they go over the data that they have asked for and he asked that SWWC make a determination that the report needs to be modified. The District Engineer commented that he would be willing to be taken off the committee and just be an advisor. He wished that the residents that had commented at the beginning of the meeting about the committee trying to hide things would have stayed to see that everything is out on the table to look at, that there is nothing being hidden here. Member MacVittie commented that he would like to see the response that they will be sending be "clean and up front so that they will be more willing to work with us."

**3. Direction Relating to Spill and Actions to Address Future Spills (Murphy-Teixeira/Dove)**

Postponed to a future meeting.

**D. ADJOURNMENT**

The meeting was adjourned at 9:28 pm to the next meeting to be held on Monday October 20, 2008 at 6:00 pm.



# TOWN OF DISCOVERY BAY CSD

## Lakeshore Sewage Spill Ad-Hoc Committee

1800 Willow Lake Road, Discovery Bay, CA 94505 Telephone: (925) 634-1131 Fax: (925) 513-2705

### Committee Members

Chair-Shannon Murphy-Teixeira  
Board Member – Dave Dove  
Staff Member – Virgil Koehne  
District Engineer – Gregory Harris  
Public Member – Carlos Tabarini  
Public Member – Walter MacVittie

**MINUTES OF A SPECIAL MEETING OF THE  
LAKESHORE SEWAGE SPILL AD-HOC COMMITTEE  
OF THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Monday, October 20, 2008**

1800 Willow Lake Road  
DISCOVERY BAY, CALIFORNIA  
MEETING at 6:00p.m.

- A. Chair Murphy-Teixeira called the meeting to order at 6:00 pm. The roll call showed that all members were present.
- B. **PUBLIC COMMENTS (Public Comments will be limited to a 3-minute time limit)**  
There were no public comments.
- C. **NEW BUSINESS FOR COMMITTEE CONSIDERATION**
  1. **Review and Comment on Notice of Violation Response Letter to the California Regional Water Quality Control Board due October 22, 2008** General Manager Koehne stated that he and the members of the committee received the response from Southwest Water Company (SWWC) at the meeting. Member Dave Dove asked that all correspondence and information the committee receives be distributed to all members. General Manager Koehne commented that perhaps the committee might want to go through the response from SWWC together. The letter was gone over by item number as follows:
    - 1.A. Randy Johnson from SWWC responded that they would be sending a Draft SSO for the reporting of Sanitary Sewer Overflows for the State of California. He stated that it would outline who to call, where to call, and that they would be updating some phone numbers as they get them. Also, they would be adding a flow chart that they are waiting for from Jim Fischer, of the California Regional Water Control Board. General Manager Koehne commented that the last part of 1A talks about the correct reporting of future spills. He further stated that since the July 17, 2008 spill there had been another small spill of 400 to 500 gallons on Highway 4 and that had been reported. He stated that the person that had written the letter being responded to, Wendy Wyels, had said that that spill had been reported correctly. Member Walter MacVittie asked for clarification of who is ultimately responsible. He stated that since it is the Town something should be coming from the Town. Randy Johnson explained that the response being gone over is just from SWWC and that General Manager Koehne and the District Engineer would be writing a cover letter to go back to the California Regional Water Quality Control Board (CRWQCB). Chair Murphy-Teixeira asked that when staff responds to the letter from the CRWQCB that each item be addressed not verbatim of SWWC's response but that there be something to the effect of "please see the attached document from SWWC, we believe we have answered all the questions or issues that you have, if not please let us know and we will supplement if needed." She asked that they

be very specific and show that we are going above and beyond trying to please them. There was discussion about the actual plan being specific not just a copy of the State requirements. Roger Migchelbrink of SWWC, Regional Regulatory Manager for the Western Region, came to the podium. He stated that SWWC would put their company logo on the form and make the form specific to the Town. He stated that they would put in the necessary phone numbers for the reporting process. He stated that they would go through the format and fill it in accordingly. Member Walter MacVittie asked that they respond in category, respond to each question by itself. Chair Murphy-Teixeira asked if there would be special training for their employees on this item. Mr. Migchelbrink responded that there would be and that there would be a sign off sheet accompanying the reporting form. District Engineer Gregory Harris commented that SWWC had stated in their response that something had been developed and had been implemented. He stated that it would be necessary to show that something was already done and implemented not just that they were getting something together to do. Mr. Migchelbrink stated that they would have the sign off sheet completed. General Manager Koehne suggested that in staff's response he say something like "SWWC has implemented a reporting procedure, here it is, they plan to train and instruct their personnel, he suggests more than once a year, since spills don't occur often." The committee suggested a personnel change over. Chair Murphy-Teixeira asked if SWWC would be willing to do this procedure, if not that General Manager Koehne would not be able to state that in the response. Randy Johnson stated that they would instruct each of their appropriate personnel on the procedure and would instruct each new personnel as they come to work at the facility. There was discussion about the District making sure that the contractor follow up to be sure that the contractor meets the requirements. There was discussion about the possible confusion of Item 1A being only about reporting the spill versus the response to the spill. Chair Murphy-Teixeira asked that the response to the CRWQCB state that "it is our understanding that this item is in response to the reporting requirements strictly and as such we provide the following information, if you require any further information or if we are not responding accordingly please get back to us and we will within the next forty eight hours". Walter MacVittie commented that perhaps the response from staff should underline the Time Reporting to define that the response is for that only. Member Carlos Tabarini asked for clarification that this item will be responded to the CRWQCB not as a Draft but as a completed item that has been implemented. Randy Johnson responded that they would be implementing this program as a living document that will be updated as new information or requirements occur. Walter MacVittie suggested that the response should include that the General Manager will monitor the contractor to be sure that the reporting is being done. Jeff Barber commented that he felt that the Board itself should contact the CRWQCB to present the response and be sure that they are aware of the District's concern and sincere wishes to comply.

1B The response to this item is that SWWC tried to retrieve the information from the old SCADA System but as of late the data has been removed from the system or that we no longer have access to the information. There was discussion about how the information was removed and when or if it had been removed. General Manager Koehne commented that SWWC should have relayed this matter to him so that he could have contacted the vendor and have them retrieve this information. There was clarification that the information is a log of all occurrences at the plant. District Engineer Harris commented that the vendor of the SCADA System had retrieved information for him for the meeting last Thursday. There was discussion about the back-up system for the SCADA System. Chair Murphy-Teixeira commented that SWWC had stated that they were supplying the documentation of the frequency of the power failures at the Lift Stations over the past five years. She commented that the item asked for analysis of the information. The District Engineer commented that he had called the State and asked specifically what they were looking for in terms of analysis and he stated that they were looking for reporting the frequency duration and the impact; such as: "it went on this long", "it occurred this date" and "X happened", "nothing happened", "it tripped out all the VFD drives" or "the pumps didn't come on". Chair Murphy-Teixeira asked that the District Engineer follow-up with a confirming email that this is what the CRWQCB wants in this item. The District Engineer stated that the results should be summarized into: "the majority of time there are issues", "all the time are there issues", or, "once in a while there are issues". He further stated that they also need to respond with what they do when these issues do occur. There was discussion about clarifying the information that was in the log. The committee asked for clarification that the item only referred to Lift Stations and their effect on the effluent quality. Carlos Tabarini clarified that SWWC will expand on the issues caused by the power outages and also include the positive statement that some of the power outages had no impact. They responded that they would. They clarified that they would only report items with regards to the Lift Stations as requested in this item. The District Engineer and the General Manager stated that tomorrow they would contact the current SCADA vendor, and if necessary the two previous that have been vendors for the District to access the data. Chair Murphy-Teixeira stated that if staff was not able to get the vendors to come out and retrieve the information in time for the response that it be noted on the response who had been contacted and when and that the information would be couriered to the CRWQCB by Friday. District Engineer Harris asked that SWWC was going to

finish the log data for the past five years and then they would try to expand on the information in the log so that anyone would know what it meant. SWWC responded that they would.

1C SWWC responded that they currently have a preventative and contingency plan for controlling accidental discharges and for minimizing effects. They further stated that they are currently in the process of revising this document to assure it contains all the necessary requirements as well as new issues that need to be checked to verify during spill. Chair Murphy-Teixeira asked why they did not submit the technical report if they had one. There was discussion about whether there was a report in place at the time or not. SWWC had a corporate report but it was not available at the local office at the time but it is now. The committee asked that there be training implemented and that they give a date that the revisions of the technical report will be completed. Randy Johnson replied that it has to be completed by January 5, 2009. Chair Murphy-Teixeira asked that they state that in their response, that "it will be completed on or before January 5, 2009". The committee also asked that they state a date when training will be implemented. The District Engineer commented that this response was different than what was actually being asked for. He stated that the January 5, 2008 report that is required by the State is how to respond to a spill, how do you clean it up. He stated that this item is asking how do you prevent a spill, or what contingency plan are you putting in place. Randy Johnson stated that the item is part of the January 5, 2008 requirement. The District Engineer agreed but stated that it was only part of the item that it was also asking for preventative measures. Roger Migchelbrink commented that staff should put in their response what is being done with the SCADA System and how many feet of sewer line are cleaned a year because those are part of the prevention of spills. The District Engineer stated that he feels that Item 2 is about the response. He also agreed that the District is improving the SCADA System, checking float valves, checking float switches, confirming alarms. He stated that there are more items out there that they need SWWC to provide such as: are they training operators on spills or training on how to run the pump stations. Chair Murphy-Teixeira commented that if SWWC is training people all the time that they put that in the response and stated that for example they are "training X tomorrow on X subject". She commented that they need to put something tangible in the report about what they are doing, not just what they plan to do. District Engineer Harris clarified that they need to add examples of the preventative work and put two dates in: 1- the date that the training will take place on the plan and 2- the date that they are going to finalize the plan. He stated that they also need examples of preventative work and an attachment of the S.O.P. since it is stated in the response that they have one. He also stated he would list the District's examples of preventative measures. SWWC agreed.

2. General Manager Koehne responded that staff has already started this and has put out calls to The Department of Health to get their input as to what they are looking for. Chair Murphy-Teixeira commented that the District response could be that "staff has reviewed the requested information; we are working diligently on it to be sure we comply with every facet of what the board has requested of us". General Manager Koehne responded that this is part of the Emergency Response Plan that is due by January 5, 2009. Chair Murphy-Teixeira asked that staff state in the response that staff understands the request and is diligently working on this. District Engineer Harris commented that there is a schedule to comply and that schedule is: we have the plan done already and are sending it to the Department of Health for their comment. The committee asked that this be put in the response.

3. Randy Johnson stated that he has completed the reporting back to April 2008. He further stated that he is researching back to May 2006 to be sure that they are completed before the response on October 22, 2008. Member Dove asked how the District can verify that this is done monthly. The response was that the General Manager Koehne will get an email when the reporting is done.

4. Randy Johnson stated that he is reviewing the work orders from Telstar and Meyers who are the vendors. He stated that he would have that completed by tomorrow and that staff will have a letter from him addressing each item in the letter that it is either completed or in process. He stated that he would have the paragraph that the state require certified. Member Dove asked if they had the letter that the item refers to. They did. District Engineer Harris suggested that they go through the letter item by item to see the status.

- 3 of 4 VFD's faulted due to power failure: Randy Johnson responded that Telstar came out and reprogrammed the SCADA system to automatically restart the VFD's after a power failure. Member MacVittie commented that there had also been a problem with the operator and that there had been disciplinary action. General Manger Koehne commented that they should attach the work order or invoice from Telstar verifying that the work had been done.

- Pump 2 ran but was limited to max 28 Hz: response was that they found that the programming was set to run at a maximum to 28 Hz instead of a minimum of 28 Hz. This has been reprogrammed by Meyers. Randy Johnson said that he was trying to get a service order from the vendor.

- High level alarm failure, PLC based: Review alarm log and follow tags to confirm if and where alarms went to. This has been tested.

- Valve at the discharge pump 2 was 90% closed possibly due to failure of the check valve: Repair Check Valve. Randy Johnson responded that they had found that the relief valve, on the pneumatic pressure switch to keep the valve from slamming shut when the pump kicks off, had gotten plugged up with dust and they cleaned it out and now it is working fine. District Engineer Harris commented that they should update the report to include the fact that the valve had been manually closed to be prepared for any problem with the new Golf Course Valve Station since it had just gone on line. It was discussed that the correct reason was not the check valve, but the manual closing of the valve. The committee commented that this would be helpful in the report to show that we are explaining that we have found the true cause and that it was not a problem but a deliberate adjustment and also to state that there will be a procedure for red tags on these types of manual adjustments in the future.

- Multiple Lift Stations including Both Waste Water Facilities alarmed during power outage and not all were physically checked after power was restored: Create a SOP that lists all facilities and specific equipment within that facility that must be physically checked and confirmed to be in proper operation after a power outage. Randy Johnson commented that they have a generic SOP and that they are working on specific SOP's for each Lift Station. District Engineer Harris stated that these had been originally promised for September 2008 by SWWC and that the letter was asking for the progress. He also commented that there be just a generic SOP to make sure that the pumps are operational. Chair Murphy-Teixeira commented that the response needs to reply that "some of the corrective actions were not completed as of September and that these were completed by September and these are completed now". Randy Johnson stated that he would not have the SOP done by October 22, 2008. Chair Murphy-Teixeira asked that when they give another date in their response for the completion of this item that they explain why they will be able to complete it by that date since they were not able to complete it by September 2008.

- Outside Contractors were working on the SCADA System when the power outage happened and they had the phone line unplugged and failed to plug it back in when they were finished for the day: SWWC to provide closer supervision of outside contractors when on sight and confirm that all equipment is in proper working order before the contractors leave. Randy Johnson stated that they have requested that the Town have all their contractors that are going to work on any of the facilities stop in the office and sign in to know when they are on site. He stated that they will check to be sure that everything is in operating condition when they leave at the end of the day. Chair Murphy-Teixeira commented that they should put that in their response. Roger Migchelbrink commented that he had sent a draft of this to Randy Johnson today. District Engineer Harris commented that he had asked Telstar why they would unplug the system and they had responded that they did not have a need to unplug the system for the work they were doing. Randy Johnson responded that his assumption was that he felt they may have unplugged it because of the noise from the alarms at the time while they were working. There was further discussion about the issue of unplugging the system. There was discussion about putting a sign up about not unplugging the line. General Manager Koehne commented that there is no phone line or fax line at Plant 1, only lines used for the SCADA System. General Manager Koehne commented that he would order a lock box to go over the plug for the phone line. The committee asked that the response include that they are "putting a lock box on the phone line". Randy Johnson commented that they are working on the new SCADA System and trying to move it to Plant II. It was also suggested that the alarm can be turned down because the sound is not really necessary.

- Southwest Water On-Call Operator failed to check the SCADA dialer at the end of the workday: Programmed the SCADA to automatically call the on-call operator daily at a certain time after the end of the normal workday to provide confirmation that the system is online and operational. Randy Johnson confirmed that this had been done and that the system calls the operator at 5:00 every night and 6:00 every morning seven days a week. Bill Joplin of SWWC commented that he had been receiving those calls. Member Dove asked if there was back-up that this is being done. General Manager Koehne responded that the information is in the SCADA log and that, when that message is received, the operator has to put in a code to verify that the call has been received. Member Dove commented that this information should be added to the response.

Chair Murphy-Teixeira asked if staff and SWWC had gone over the issue of reporting in a timely matter and if they are responding to it. Member MacVittie asked if there had been a response regarding the difference in reporting requirements in the August 8, 2008 order versus the February 20, 2008 of the State Board and the Central Valley Regional Board. He asked if they had gotten a clarification as to which was the one to follow. Roger Migchelbrink commented that he had sent out emails about that and had not received any response from them at this time. Chair

Murphy-Teixeira asked if they were fully aware about the requirements at this time and if they were providing training to their staff with respect to the reporting requirements. SWWC responded that they are providing training and will state that several times in their response to the CRWQCB. Chair Murphy-Teixeira asked that they state in the letter that "they are training, how and when".

Chair Murphy-Teixeira commented that at the last meeting it was stated that they would only discuss the required response due on October 22, 2008 at this meeting. She asked if the committee wished to continue. Member MacVittie commented that he wished to discuss that all reports that have gone out about this event before this date that are not correct be amended. He asked that any new information that has come out be added, corrected or amended; specifically talking about on the 17<sup>th</sup> and that there was actually an operator on the site doing daily rounds after the power came back on and did not do what was supposed to be done. He stated that it was not identified in the reports and there is concern that if that comes up and has not been reported properly that that would be a pretty important aspect of an investigation. Randy Johnson stated that he could amend that. General Manager Koehne commented that there are two things that need to be amended, the second being the valve position. District Engineer Harris commented that this could be amended with the response going out on October 22, 2008. He also commented that in the November response they will be sending the data that will show the two things and it could be amended at that time, or they could amend it in this response to show that they know it now. The committee asked that it be amended in this response of October 22, 2008.

There was discussion about hand delivering the response, or by courier. General Manager Koehne stated that he would call tomorrow to verify that Ms. Wilde would be in the office to receive the response. Member Dove commented that he would take the response. There was discussion about the time frame for the delivery. General Manager Koehne stated that staff would fax the response to Ms. Wilde, and send the original in the mail. General Manager Koehne stated that he would call to verify that faxing the response on October 22, 2008 would be acceptable and that the original would be hand delivered on Thursday. He also stated that he would ask what time would be good for Ms. Wilde. It was decided that General Manager Koehne would call to be sure that this would be acceptable with Ms. Wilde.

The committee asked that a copy of the response of October 22, 2008 be sent to them.

The committee asked for the following items to be available for the next meeting for review:

- Copy of SWWC Contract
- Copy of the 5 Day Report
- On line Report
- Written Report
- SCADA Phone Log
- Response of October 22, 2008
- 

The remaining items were postponed to the following meeting.

District Engineer Harris reminded the committee that the next response for November 7, 2008 has 38 items on it. SWWC commented that a lot of the items are the same and that they have the response ninety percent done.

2. **Direction Relating to Spill and Actions to Address Future Spills (Murphy-Teixeira/Dove)**
3. **Report on Submission of Required Reports (Koehne)**

**D. ADJOURNMENT**

1. Director Dove motioned to adjourn the meeting. Carlos Tabarini 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain) The meeting was adjourned at 8:22 pm to next committee meeting on Monday October 27, 2008 at 6:00 pm.



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY CSD

SUNDAY, October 26, 2008 @ 10:00a.m.

1800 Willow Lake Road, Discovery Bay, California  
Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### SPECIAL MEETING at 10:00a.m.

#### A. ROLL CALL

Meeting called to order at 10:00 am. All directors present; also present Virgil Koehne, John Stovall, and Paul Balestracci.

No public were present.

#### B. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION GOVERNMENT CODE § 54956.9(a)

William Richardson v. Town of Discovery Bay Community Services District et al  
Contra Costa County Superior Court Case NO. C07-00909

The Board went into closed session in accordance with agenda item B. All directors were present in closed session.

#### C. Return to open session; report on closed session.

The Board returned to open session; report on closed session was made: The Board, with all directors present, voted to accept a settlement offer made by the plaintiff in the above-Referenced lawsuit. Plaintiff offered to dismiss the suit, with prejudice, and with each party to bear its own costs and fees, if the Town, et al (defendants) agreed to allow discovery to be reopened to pose 3 specific requests for admission, and to answer those requests. Those requests and the defendants' responses would be as follows:

#### REQUEST FOR ADMISSION NO. 1:

Defendant's Board shall take action on all matters only by majority vote on an "ordinance, resolution, or motion," in compliance with Sections 61045(b)-(c) of the Community Services District



Law and the Board's own Town of Discovery Bay Board Policy.

RESPONSE TO REQUEST NO. 1:

Admit.

REQUEST FOR ADMISSION NO. 2:

Defendant's Board shall only take action or discuss items which appear on the posted Agenda, in compliance with Section 54954.2 of the Brown Act, subject to the specific exceptions provided in that section.

RESPONSE TO REQUEST NO. 2:

Admit.

REQUEST FOR ADMISSION NO. 3:

Defendant's Board shall accurately record in the minutes for each meeting the information required by Section 61045(d) of the Community Services District Law.

RESPONSE TO REQUEST NO. 3:

Admit.

The Board noted that these requests were to admit that the statements were and are the law, and that the Town had always agreed and acknowledged that these were the law, voted unanimously, with all 5 directors present throughout the closed session and at the vote, to accept the offer.

**D. ADJOURNMENT**

The special meeting was adjourned at 11:19 a.m.

JS/ca



# TOWN OF DISCOVERY BAY CSD

## Lakeshore Sewage Spill Ad-Hoc Committee

1800 Willow Lake Road, Discovery Bay, CA 94505 Telephone: (925) 634-1131 Fax: (925) 513-2705

### Committee Members

Chair-Shannon Murphy-Teixeira  
Board Member – Dave Dove  
Staff Member – Virgil Koehne  
District Engineer – Gregory Harris  
Public Member – Carlos Tabarini  
Public Member – Walter MacVittie

**MINUTES OF A SPECIAL MEETING OF THE  
LAKESHORE SEWAGE SPILL AD-HOC COMMITTEE  
OF THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Monday, October 27, 2008**

1800 Willow Lake Road  
DISCOVERY BAY, CALIFORNIA  
MEETING at 6:00p.m.

**A. ROLL CALL**

Chair Murphy-Teixeira called the meeting to order. She reported that all the members were present with the exception of Greg Harris who was on his way.

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

There were no public comments.

**C. CONSENT CALENDAR**

Chair Murphy-Teixeira motioned to approve the minutes. Member Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

**D. NEW BUSINESS FOR COMMITTEE CONSIDERATION**

**1. Review, Discuss and Possibly Comment on Notice of Violation Response Letter to the California Regional Water Quality Control Board** Chair Murphy-Teixeira commented that she had spoken with Ms. Wyels of the California Regional Water Quality Board (CRWQB) and was told that fax, e-mail or mail were acceptable. Member Dove commented that there had been another reason for the spill put in the response letter and that it was added at the last minute without approval by the Committee. He asked where this new reason, another power failure, had come from. Member MacVittie also commented that the first draft did not have the information about the operator being on sight after the power failure. He stated that it took a call from him to have it put in the response and that the committee had twice asked that Southwest Water Company (SWWC) amend the five-day report and that the information about the operator be added. He also commented about the last minute addition of the 2<sup>nd</sup> power failure.

District Engineer Harris arrived. He commented that he had gone back through the SCADA information to see if they could find any supporting evidence of a second power failure and their general conclusion was

that there was not a second power failure. He stated that there was a three minute segment where either the SCADA system was shut off or the system was not recording information for that time. General Manager Koehne explained that the District has two SCADA systems currently; the old system called Factory Link and the new one called RSV32 that the District was trying to implement at the time of the spill. He stated that he thought that Randy Johnson had seen a blip on the new system and believed it to be another power failure, so he and the District Engineer reviewed the data from the old system for 24 hours before and after the known power failure on the day of the spill. He further commented that by reviewing the information on the new SCADA system it was shown that the operator did do his Standard Operating Procedure (SOP) because it shows that all the pumps did come on for three minutes and then they turned off. He commented that there was another part that was not completed which is in the two-page outline given to the committee. He showed the committee pictures of the panels at the lift station and explained how you would turn them on and off and what you would look at. There was discussion about where the alarms were displayed; it was stated that there were alarms displaying on both panels at the lift station. There was discussion about the order of the pumps. The District Engineer stated that they have data showing that Pump #1 was in fault. There was discussion for clarification about the sequence of events when the operator went to the lift station. The District Engineer then went through the sequence of events on the SCADA system at the day of the incident. He then stated that based on the information found through reviewing the SCADA data he and staff had written up a timeline of the spill. General Manager Koehne passed it out to the committee. Member Dove asked Randy Johnson how he felt about this information. Randy Johnson stated that he had reviewed the information with the District Engineer and that he agreed with the information and that they would be amending their report. He commented that he wanted this information to be an amendment to the original report and not part of the response. He feels that they should have been two separate issues. Member Tabarini asked if there is going to be an amendment, what would be the timeline for that amendment. Randy Johnson stated that if they are satisfied with all the information having been researched that he felt they could put together the amendment by the end of the week. The District Engineer stated that he feels that they have all the information they can get from SCADA. Member MacVittie commented that the issue of the valve being partially closed needs to be more directly addressed. He stated that he feels that there being no red tag for the operator to see could have been a contributing factor. The District Engineer commented that there were three pieces of information that were not in the original report that the Regional Board would be interested in; one was that an operator was at the lift station immediately after the power failure and what the operators actions were, two was the real reason that the valve was partially closed there had only been speculation, and third was that an operator checked off the alarms at 7:00 in the morning but did not respond. Member Dove commented about an article in the East County Times regarding problems with SWWC service since November 2007. District Engineer Harris commented that the issue of problems with SWWC had been happening before the last renewal of their contract. He stated that the increase in their contract was supposed to help retain employees so that their staff would be more experienced and that would take care of these issues. He commented that it had not happened and that he and staff had continuously been working with SWWC to try to get them to rectify the situation. He stated that he feels this is why they had a change in managers at SWWC.

2. **Report on Submission of Required Reports (Koehne)** General Manager Koehne commented that SWWC would be doing a power point presentation. Chris Malinowski, Vice President of Safety and Compliance with SWWC came to the podium and made a power point presentation. The presentation was about a national initiative that SWWC was working on and how it is going to be implemented in Discovery Bay's plant. He stated that they would be focusing on California particularly because they tend to be more strict than the rest of the states. He was to email a copy of the presentation to General Manager Koehne. He stated that all the necessary information to respond to the 38 items required by the State by November 7<sup>th</sup> would be to staff by Friday October 31, 2008. He stated that they had also committed to give staff their full support in putting together the Sanitary Management Report that is due in January 2009. There was

discussion about the presentation. District Engineer Harris asked why things are going to be different now when there have already been discussions about these issues in the past. Chris Malinowski responded that he had come to the company in the last year and that he has hired several people so that there are now more resources than there were. Kathy Stone commented that there had been a management change and that they had gotten approval to hire another person for the Discovery Bay facility. Member Dove commented that he is concerned with the level of training of the current staff at the Discovery Bay Facility. He further commented that the level of trained personnel was in the contract and is what we have been paying for and what we should have been receiving all along.

General Manager Koehne clarified about amended reports, since they are a "To Do" item. He verified with Randy Johnson that he had stated that he would have it done by Friday. Randy Johnson stated that the original five-day report would be amended and that he would have the additional 38 items requested by the State to staff by Friday.

The committee decided to meet on November 3, 2008 at 6:00 pm to review the amended report and the response to the CRWQB.

District Engineer Harris clarified that SWWC will prepare their amended report, staff will prepare a revised cover letter to go with the report that addresses our Notice of Violation (NOV) and will attach SWWC's amended response. He stated that SWWC still has to go file their corrections with the State since they filed a report with the State. He also commented that they owe them a power analysis. He verified that they wanted to review these items at the next meeting on next Monday. The Committee also agreed that they would be going over the 38 items that need to be responded to by November 7, 2008. There was discussion about what they would bring to the Board meeting on November 5, 2008. Chair Murphy-Teixeira commented that she would like to tell the board that they will be doing a comprehensive report on their findings. Member MacVittie commented that he wanted to be sure that the Board was kept apprised of the responses that are going out. Chair Murphy-Teixeira asked that staff forward the timeline and the actual responses to the Board as an FYI. It was decided that the timeline will be forwarded to the Board as a draft.

#### **E. ADJOURNMENT**

Member Dove motioned to adjourn the meeting. Member MacVittie 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain) The meeting was adjourned at 7:32 pm to the next committee meeting on Monday, November 3, 2008 at 6:00 pm.

11/02/08 lh



# TOWN OF DISCOVERY BAY CSD

## Lakeshore Sewage Spill Ad-Hoc Committee

1800 Willow Lake Road, Discovery Bay, CA 94505 Telephone: (925) 634-1131 Fax: (925) 513-2705

### Committee Members

Chair-Shannon Murphy-Teixeira  
Board Member – Dave Dove  
Staff Member – Virgil Koehne  
District Engineer – Gregory Harris  
Public Member – Carlos Tabarini  
Public Member – Walter MacVittie

**MINUTES OF A SPECIAL MEETING OF THE  
LAKESHORE SEWAGE SPILL AD-HOC COMMITTEE  
OF THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Monday, November 3, 2008**

1800 Willow Lake Road  
DISCOVERY BAY, CALIFORNIA  
MEETING at 6:00p.m.

**A. ROLL CALL**

All committee members were present with the exception of Gregory Harris.

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

There was no public comment.

**C. CONSENT CALENDAR**

Committee Member Walter MacVittie motioned to approve the minutes with the listed changes. Member Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

The Minutes were approved with the following listed changes:

Pg 1, Item D1, Line 7 – sight is misspelled should be site.

Pg 2, Item D1, Line 10 – insert the following after the word “completed” –“which was resetting the pumps and clearing the alarms. If this was done it would have caused the pumps to operate in a normal manner,”

Pg 2, Item D1, Line 32 – insert the word “because” between the words closed and there.

**D. NEW BUSINESS FOR COMMITTEE CONSIDERATION**

**1. Review, Discuss and Comment on “Request for Information” Letter dated October 14, 2008 from CRWQCB to Southwest Water for Response due by November 7, 2008 (Koehne)** General Manager Koehne stated that the response being discussed in this item is to a letter addressed to Randy Johnson of Southwest Water Co. (SWWC) He further stated that the “Request for Information” listed out thirty-eight (38) items and since the letter, an e-mail, had been received from Mark Bradley in which two (2) more items had been added bringing the requested items to forty (40). He stated that SWWC had brought to the meeting the majority of the information needed to respond to the request.

(The following items need to be completed for the response, items not listed were found to be complete and not in need of further information or change for the response.)

Item #3 – General Manager Koehne stated that this item references the Flow Schematics showing the Lift Stations and how they feed into the treatment Plant. He stated that staff and the District Engineer will be providing that

information.

Item #'s 39 and 40 – General Manager Koehne also stated this item is primarily printouts from the SCADA system and will be provided by the District Engineer. General Manager Koehne stated that the rest of the information will be provided by SWWC.

Gregory Harris, District Engineer arrived.

The committee decided to go through each item to be sure that SWWC had the necessary information.

Item #1 - SWWC has to get a copy of the contract from the secretary of SWWC.

Item #3 – Gregory Harris had brought the Flow Schematics for this Item.

Item #4 - Randy of SWWC explained that he would have to write an explanation, he stated that there is not a flow meter that totalizes in response to this item. General Manager Koehne commented that they had ordered a flow meter totalizer; he also commented that it is not required. It was decided that the letter would state that the district is installing the flow meter totalizer.

Item #5 - Randy Johnson stated that he is still working on these calculations and how the calculations were done will be explained in the cover letter.

Item #6 – SWWC had the original 5-day letter to include in the response. There was discussion about when the amended 5-day letter would be ready to forward to the California Regional Water Quality Control Board (CRWQCB). Randy Johnson responded that he had emailed a revision to General Manager Koehne that afternoon and that SWWC would go over it as soon as they received it back from the District.

Item #8 and #9 - It was decided that there needs to be an explanation as to how these original calculations were done.

Item #14 - General Manager Koehne commented that what is asked for in this item does not exist because the district pulls samples according to the locations stated in the permit. It was decided that the cover letter would state this.

Item #18 - District Engineer Harris asked that SWWC add the units of measure to these documents and asked that they put in an explanation about why the numbers of the readings are all the same. He stated that he had discussed this with the prior manager of SWWC and that they need to actually test the water instead of just writing down the number on the screen to be sure that the screen is correct. It was decided that SWWC would put the unit of measure on the documentation and write an explanation of why the numbers on the documentation are the same for several readings.

Item #24 - District Engineer Harris asked that SWWC add the Effluent Flow to this part of the response.

Item #25 - Randy Johnson stated that the daily round sheets for the month of June for the Lakeshore Pump station were missing and that they would note that in the response.

Item #30 - Randy Johnson stated that he would have this done by Wednesday, November 5<sup>th</sup>.

Item #31 - Randy Johnson explained that they did not have any data with regard to the Lift Stations because it was not required. General Manager Koehne asked if he would explain in his response why this data was not available. Randy Johnson replied that he would.

Item #32 - Randy Johnson stated that there was an invoice from Telstar missing from when they worked on the VFD's. He also stated that he had not been able to get an invoice from Meyers Control from when they came out and worked on the system because the technician was new and was in training so they did not charge for the work. He stated that he has contacted Meyers and they have not returned his calls. General Manager Koehne asked that Randy put this information in his response.

Item #33 - Randy Johnson commented that he needed to add invoices from the electrician, American Retrofit Services, to this item. He stated that he had already gathered these invoices but that they were in his office, not in this documentation for the response.

Item #34 - Randy Johnson commented that he needed to add invoices from the electrician, American Retrofit Services, to this item. He stated that he had already gathered these invoices but that they were in his office, not in this documentation for the response. General Manager Koehne asked that SWWC explain on their response to this item that the work orders include both WWTP #1 and WWTP #2.

Item #35 - Randy Johnson stated that they are unable to locate the documentation to respond for WTTP #2. Randy Johnson commented that he would note this missing information on his response as well as the fact that they do not test the generators under load.

Item #37 - General Manager Koehne commented that the sewer complaints should be highlighted on the log since both sewer and water are on this log.

Item #38 – Committee Chair Shannon Murphy-Teixeira commented that the Request for Information states in this item that the date is in June of 2008 and asked that SWWC in their response clarify that the spill was in July of 2008 and that they are supplying information based on the July date not the June date. Randy Johnson commented that he would be compiling the information for this item into one document.

Item #39 - District Engineer Harris gave the alarm logs for the new SCADA System to Randy Johnson and stated that

he would have the rest of the information for this item to SWWC by Wednesday, November 5th.

District Engineer Harris asked that SWWC put the units on the Operator Log. He stated that for a third party it is very difficult to figure out what the numbers refer to. It was decided that there would be a cover letter for the log explaining the numbers and units on the log, but that the log itself would remain as had been originally done.

Member MacVittie asked that they return to Item #6, that they had not completed discussing it. He commented that he did not see the three additional pieces of information in the revision that had been discussed at the last Ad-Hoc Committee meeting. He commented specifically about the fact that the revision was to mention that the valve on Pump #2 was 90 percent closed and why and that the partially closed valve had not been tagged or noticed in any way. He also commented that he thought there was going to be mention of a new S.O.P. that would be put into place a red tagging of any equipment that has been modified somehow to be other than normal. Randy Johnson commented that he had not put that in or elaborated about it, that he had forgotten to do that but that he would. There was discussion about the change of equipment at any area should also be noted on the log sheet at that area. Randy Johnson commented that this SOP of red tagging and making better notes in the log sheets was being implemented. General Manager Koehne commented that the screen shot from the SCADA system that was to be included with the amendment should state that the time was a.m. District Engineer Harris asked for page numbers to be added to the amendment. District Engineer Harris commented that the letter read as if there had not been alarms instead of the fact that there were alarms but that the phones were unplugged so the alarms did not go out to the operators. Randy Johnson stated that he would re-write his amendment to the 5-day report with changes and get approval from the committee. It was decided that when the amendment had been approved it would go with the response to the CRWQCB on November 7, 2008 under Item #6. The Chair asked that the amended 5-day report be sent to General Manager Koehne and then he could forward it to each Committee Member for their review, possible comment and approval. District Engineer Harris asked that the corrective actions to be taken be added to the letter; the implementation of S.O.P.'s, operator training, calls to the operators daily to verify that the SCADA System is calling out and a cover for the phone lines so that they cannot be unplugged. Mr. Kier commented that the round sheet could also have the flow rate of the pump when it is running. There was discussion about also modifying the round sheets and about the training of the operators. Kathy Stone of SWWC stated that she had gone over the round sheets with the operators and that they would be monitoring their staff to be sure they were doing their jobs correctly. Committee Member MacVittie asked if management is going to be working with the employees to follow-up and make sure that these changes are being implemented by their staff and then having a quarterly or monthly evaluation process to verify that the employees are in fact doing what they are supposed to. Kathy Stone responded that this was part of the changes that they are implementing and that they could add the units on the flow. She also stated that Randy Johnson would have a check off sheet that he can go over with the employees.

2. **Review, Discuss and Comment on an Amendment to the "Notice of Violation" Letter dated and sent October 22, 2008 to the California Regional Water Quality Control Board (Koehne)** General Manager Koehne explained that in the committee's packet there is a draft letter dated November 3, 2008 which is the district's follow-up to the Notice of Violation. He further stated that in the pages after that is a synopsis of the past six years of power failures reported by SCADA and by the operators on their book. He commented that the State was looking to see which power failures had impacted the water quality leaving the plant and there were zero. Randy Johnson commented that in paragraph 6 of page 2 that it inferred that an operator deliberately did not respond to the alarms after clearing them. He asked that the letter state that the alarms had been acknowledged at 7:04 am without stating who had acknowledged them since they could not verify who the person was. General Manager Koehne stated that he would check to see if Telstar had been at the site on that day at that time. In the same paragraph District Engineer Harris stated he would change the word "complaints" to "complaint". The committee agreed to change the first line to read that according to the documentation TEC cleared the alarms.

The committee decided to have one more meeting to put together what they would present to the board at the next board meeting. Carlos Tabarini commented that the Lake levels are in the documents that are being sent to the CRWQCB and that they could discuss the timeline of when pumps were running. Mr. Kier commented that the committee might not want to disband too soon because there will probably be further responses or requests from the State and Regional boards regarding this spill.

#### E. ADJOURNMENT

Member MacVittie motioned to adjourn the meeting. Member Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain) The meeting was adjourned at 8:39 pm to the next meeting to be held on November 17<sup>th</sup>, 2008 at 6:00 pm.

11/21/08 lh



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

## Board Members

President-Shannon Murphy-Teixeira	smt@politician.com
Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

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

November 5, 2008

1800 Willow Lake Road, Discovery Bay, California

REGULAR MEETING 7:00p.m.

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

### **A. ROLL CALL**

President Murphy-Teixeira called the meeting to order. The roll call reflected that all directors were present with the exception of Director Piepho and Treasurer Knight. President Murphy-Teixeira led in the Pledge of Allegiance.

### **B. REPORT ON CLOSED SESSION for Sunday October 26, 2008**

Legal Counsel reported that the Board had held a closed session on October 26, 2008 with regards to the matter of Richardson v. Town of Discovery Bay, Contra Costa County Superior Court Case NO. C07-00909. He explained the terms Request for Admission and Discovery. He commented that there were three questions on the Request for Admission and that the Board had responded yes to all the questions. He stated that the Board noted that those statements are merely the law and that the Board has always attempted to comply with the law. The Board has always said it would comply with the law before the lawsuit, during the lawsuit and after the lawsuit so there was no problem to answer yes to the questions. The Board voted unanimously to accept the offer. He reported that all five directors were present in the Closed Session. He reported that all five directors were present for the vote and the vote was unanimous. He reported that on Monday October 27, 2008 the case was dismissed and that there was no ruling from the court.

President Murphy-Teixeira congratulated Mark Simon and Ray Tetreault for their win in the elections and welcomed them to the Board.

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

There were no public comments.

### **D. AREA AGENCIES REPORTS / PRESENTATION**

- 1. SHERIFF REPORT/MARINE PATROL REPORT** Lieutenant Will Duke of the Marine Patrol reported that Lieutenant Burton was injured and could not make the meeting. Lieutenant Duke made his report, which is on file in the District Office.
- 2. CHP REPORT** No one in attendance.
- 3. FIRE DISTRICT REPORT** No one in attendance.
- 4. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** Supervisor Mary Piepho reported that she



was here with several people from the County for the presentation in item G2. She reported that the Board of Supervisors had been working on updating the Social Host Ordinance which is to provide additional enforcement to law enforcement for juvenile gatherings where responsible adults are not there. She stated that a gathering is defined as 3 juveniles and that the penalty will be \$1,000.00 or a six-month time in jail for the responsible party. She reported that at their board meeting they had recognized all the individuals and agencies involved with the Vasco Road Task Force. She reported that the board is working on the maintenance agreement and the transfer of the lighting and landscape districts to the Town of Discovery Bay. She reported about the Department of Conservation and Development having an appointment service to meet with residents about plan requirements and permit questions within three to five days of when the resident calls Discovery Bay. She reported that the Library-A-Go-Go is close to being finalized. She reported that there had been an unveiling of the new section of the Highway Bypass. She introduced Mr. David Twa, the current County Administrator, Mr. John Cullen, the former County Administrator.

**E. DISTRICT FINANCIAL REPORT**

General Manager Koehne reported that there was no report at this time. He asked that it be tabled to the next meeting.

**F. CONSENT CALENDAR**

1. President Murphy-Teixeira commented that the Ad-Hoc committee had approved their minutes at their last meeting. Vice-President Doran made a motion to approve the Consent Calendar. Director Dove 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

**G. NEW BUSINESS FOR BOARD CONSIDERATION**

1. **Presentation, Discussion and Direction by Code Red. (Koehne)** General Manager Koehne explained that this presentation would be a way to notify the community of possible emergency situations. Megan Cotanch from Code Red came to the podium and made a presentation about their service. She explained that their service would call approximately every home in the community with any message that we want to give them. She explained that it is completely web-based. There is a pamphlet on file in the District Office. Director Dove motioned to have staff continue on with exploration of this and bring it back to the board. Vice-President Doran 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)
2. **Presentation, Discussion and Possible Action by County Administrator(s), District 3 –County Supervisor on P-6 Districts (Teixeira/Koehne)** Supervisor Piepho commented that the current and past County Administrators had come to talk about the revenue being generated from the P-6 District Zones, how it might be able to be used for the communities benefit, what the restrictions are or are not and that there also is the Sheriff's Command Staff in attendance. She commented that with Discovery Bay West, The Lakes and Lakeshore there is significant revenue being generated that could go directly to enhance the community police services but that there are some legal requirements about how it can be used. She commented that Mr. Cullen would talk about the history of P-Districts in the county and what they have found out about them. John Cullen, former County Administrator, explained a P-6 Zone and that in Contra Costa County there are 106 P-6 Zones and that these assessments have been set up to provide funds for public protection services. He stated that in our community there are 5 P-6 Zones. He commented that when the zones were set up they knew that it would take a while for them to accumulate enough funds to fund any particular protection services for each Zone and that some still have only a small amount of funds while others have generated a lot. He stated that it was only since last year that the P-6 District Zones have accumulated enough to start providing public protection services in the zone. He went over how the accumulation of funds occurred by going through a handout they had brought. He commented that the funds have been held by the County Treasury and they have been tracked by Zone individually. He stated that the handout also lists how much it costs for various public protection services such as a patrol car. He commented that the Sheriff had asked for clarification from the County Administrator's Office and County Legal Counsel on the rules of spending P-District Zone monies. He stated that the biggest problem is how to spend the monies to best provide services for the communities that have funded each particular P-District Zone. He stated that there are also P-Zone tax monies that everyone contributes to and those are also part of the funds for protection services in all of our

communities. He stated that there is a Public Protection Committee that consists of two Board members (County Supervisors) and they are discussing this issue and they are to receive a verbal update on the P-6 Zones issue at its next meeting on November 10, 2008. He commented that they will be taking their findings and any action that they would like to take back to the Board of Supervisors for approval. Bob Mankin asked if the handout listed funds that are currently held by the County Treasurer or if there have been any funds used such as the cost of the helicopter. They responded that any expenses had not been factored into the amounts. Bob Mankin commented that he would like to see this brought before the community for their input. There was further discussion about the return to source issue of P-6 District funds. There was discussion about the issue of gated communities being private property. Commander Daly from the Sheriff's Department was asked when the Sheriff's office would be able to put together a plan for the funds once County Counsel gives them their findings. He responded that they had received the County Counsel's review at 4:30 this afternoon and that they hope to have something put together for the Protection Committee on the 10<sup>th</sup>. Jeff Barber asked if the amounts that the County is showing as funds that will be collected each year would ever go down. John Cullen responded that he did not believe it would. Supervisor Piepho commented to the audience that input from the community to the Protection Committee is very important.

3. **Presentation, Discussion, and Direction on Future Delta Waterways and Franks Tract Project (Koehne)** General Manager Koehne stated that this had been brought to the board at a previous meeting and that the board had requested some experts on the subject be invited to a future meeting. He stated that he had contacted Reclamation District 800 and that Chris Neudeck, their District Engineer, had come to speak on the subject. Chris Neudeck discussed the barriers that are being proposed for Frank's Tract. He commented that they said that they will open them for boat passage. He stated that most of the local water agencies are in support of this project because it will be working on the common pool concept and that means we will all be pulling water from the same source and that these barriers would make the pool fresher for all. He stated that he believes the long range goal is to convey water to Southern California. He stated that Metropolitan Water District of Southern California is analyzing two more barriers that are probably more realistic than the Frank's Tract Project, two on Bacon Island, one on the North East in Mandeville and the other in the South West into Holland Tract. He commented that these are more cumbersome to the residents of Discovery Bay but that they are temporary; they are supposed to build them on barges. He further discussed the protection of the levees versus the canal. Vice-President Doran asked Mr. Neudeck what would be his response to the letter the Board had received for comment. He responded that he would address the navigational interest and how ask how it would affect our water quality. Director Dove commented that according to the report, the water quality should improve. It also says that it would save the fish. He asked Mr. Neudeck how this works with the other parts of the project and with the hydraulics. Mr. Neudeck commented that we need to ask how this project correlates with the Metropolitan Water Districts project. There was further discussion about the canal project. Mr. Neudeck commented that he would be happy to consult with the Board on writing the letter and he thought Delta Protection, Dan Nomellini on behalf Central Water Agency, and John Herick of South Delta Water Agency would be interested also. Director Dove made a motion to direct staff to create a letter based on the information received and have it back to the board for review at the next meeting. Vice-President Doran 2<sup>nd</sup> the motion. There was discussion about the issue of what the Board's duties are and what their MAC duties are. Legal Counsel suggested that the Board needs to ask in the response that they tell us in greater specificity about the effect to our water quality. Director Dove asked if staff could also address the salinity issue. Legal Counsel suggested that the motion be amended to having staff write a letter to the Board of Supervisors in their MAC duties regarding the boating issue for President-Murphy Teixeira's approval to send in time for them to respond to the 21<sup>st</sup> deadline and also write the letter regarding the rest of the issues and bring that back to the next meeting of this board. Director Dove amended his motion to legal counsel's suggestion. Vice-President Doran 2<sup>nd</sup> the amendment. The motion passed. (3 ayes, 0 nos, 0 abstain)
4. **Discuss and Approve Cost of Living and Merit Increase for Some District Employees (Koehne)** General Manager Koehne presented this item to the board for consideration. He commented that he had looked at what other agencies are paying their staff and asked for merit increases to help bring the District more in line with other agencies. There was discussion about the cost to the District and also being comparable to other agencies for retention of employees. Vice-President Doran motioned to postpone

this item to the Workshop on November 8 2008 to discuss and possible action. Director Dove 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

5. **Discuss and Comment to Contra Costa County on Request to Merge Two (2) Parcels into One (1) (Koehne)** General Manager Koehne presented this item to the board. The Board had no comment.
6. **Discuss and Approve Additional Landscape Architectural Services for Willow Lake Road Project (Koehne)** General Manager Koehne presented this item to the board. He commented that the original contract project is located across from the school on Willow Lake at the Riverlake Road intersection and that it runs down that side to across from the church to approximately where there is a large utility box. He asked that the board consider adding the corner area of Willow Lake and Discovery Bay Boulevard to the project design. He further commented that it would tie in that way with the sidewalk that the County is putting in on that side of Willow Lake Road. Director Dove motioned to add Change Order #1 not to exceed \$3,800.00 to the existing contract for Willow Lake Road and Discovery Bay Blvd. Vice-President Doran 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

#### H. COMMITTEE/LIAISON REPORTS

1. **East County Planning Report** Walter MacVittie reported that there would be a meeting on Monday, November 10<sup>th</sup>. He reported that the Byron Saloon is on the agenda and a Heritage Tree for Knightsen.
2. **Trans-Plan Report** Walter MacVittie reported that there would be a meeting on November 13<sup>th</sup> and that he has not received his packet and that there was no meeting last month, so he has no report.
3. **Code Enforcement Report** David Piepho was absent. No Report.
4. **Rec. 800 Report** Ray Tetreault was not present.
5. **Special Districts Report\*\*** David Piepho was absent. No Report
6. **Los Vaqueros Expansion Report** No report.

\*\*These meetings are held Quarterly

#### I. DIRECTORS' COMMENTS

President Murphy-Teixeira commented that there would be a Workshop Special Meeting on Saturday at 9:00 am. She also reported that there would be a presentation from the Lakeshore Sewage Spill Ad-Hoc Committee at the next Board Meeting on November 19<sup>th</sup>.

Director Dove commented about the correspondence not having the letters from the State and Regional Water Boards. He also commented about the cost of J.W. Backhoe repairs. General Manager Koehne responded that the prices vary according to the size of the repair and that we use three different companies depending on availability and urgency of the situation.

Vice-President Doran had no comment.

#### J. GENERAL MANAGER REPORT

##### 1. **Lakeshore Sewage Spill Update**

General Manager Koehne reported that there have been several palm trees trimmed over the last month. He reported that the new maintenance agreement had started for the other Lighting and Landscaping Zones in Discovery Bay. He reported that the District had received comments back on the NPDES permit that was out for public review. He commented that Metropolitan Water had commented. He reported that the test wells are being completed. He reported that they had found wood chips 350 feet down and he was going to send them to the University of Berkeley to have it analyzed.

General Manager Koehne reported that there have been several meetings of the Lakeshore Sewer Spill Ad-Hoc Committee and that the committee has been working very hard and that there is another meeting scheduled for November 17<sup>th</sup>. He reported that the committee had amended a letter that was going to the Regional Board that will go out tomorrow. And he reported that they had gone over the 40 items on the Request for Information and that will go out on Friday.

#### K. CORRESPONDENCE

##### Information Only

1. **R – Letter from Supervisor Piepho to Sheriff Rupf re: School Resource Officer – October 10, 2008**
2. **R – Letter from Sheriff Rupf to Supervisor Piepho re: School Resource Officer – October 22, 2008**

**Discussion & Direction**

None

**L. FUTURE AGENDA ITEMS**

Director Dove asked that the Landscape Report be put back on the agendas. He also asked for a monthly report from Southwest Water.

**M. ADJOURNMENT**

Director Dove motioned to adjourn. Vice-President Doran 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 0 nos, 0 abstain) The meeting was adjourned at 9:52 pm to next regular meeting of November 19, 2008.

11/14/08 lh



# TOWN OF DISCOVERY BAY CSD

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Vice President-Bob Doran	dbredbob@sbcglobal.net
Treasurer-Patty Knight	plhewitt@us.ibm.com
Director-David Piepho	DApiepho@sbcglobal.net
Director-Dave Dove	ddove@sbcglobal.net

## **MINUTES OF A SPECIAL WORKSHOP MEETING OF THE BOARD OF THE DIRECTORS OF THE TOWN OF DISCOVERY BAY CSD**

Saturday November 8, 2008  
1800 WILLOW LAKE ROAD  
DISCOVERY BAY, CALIFORNIA  
MEETING 9:00 a.m.

### **A. ROLL CALL**

President Murphy-Teixeira called the meeting to order at 9:00a.m. All directors were present.

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

Pat Richardson asked that the Town make a large map including all subdivisions of Discovery Bay and have it posted to be used for reference for the audience.

Director Piepho asked Legal Counsel if the items put on the agenda for Workshop Only had to be only for discussion. Legal Counsel replied that items listed on the agenda have to be handled as listed on the agenda unless there is some urgent need to change. He further commented that a Workshop is a less formal meeting but that items may be put on for action as well as discussion; that it is just another type of special meeting. Director Piepho further commented that for clarification in the future items might be broken up into discussion items and action items so that the board does not have to decipher which they can take action on and which they cannot.

### **C. NEW BUSINESS FOR BOARD CONSIDERATION**

- 1. Discuss and Possible Approval of Cost of Living and Merit Increase for Some District Employees (Koehne)** General Manager Koehne stated that this item had been tabled from the last meeting. He stated that staff had asked to include a cost of living raise as well as a merit raise to three employees. He further stated that he had provided ranges for these positions. Director Piepho asked how the figures that General Manager Koehne was asking for had been calculated. General Manager Koehne stated that since merit raises had not been given in a long time, he had used the ranges and took the lower end to bring the employees more in line with other districts but still to stay middle to low. Director Piepho commented that he is use to seeing the raises based on an actual calculation from the performance review. Treasurer Knight commented that she is used to seeing the raise based on the level of performance; such as if their review shows that they are a rated one then their raise would be three percent, if they are rated a two it would 5 percent. General Manager Koehne responded that a couple of years back he had put that into the reviews that there is a number associated with satisfactory, poor, etc. Director Piepho asked if the raises would be retroactive. General Manager Koehne responded that the raises would go back to August 2008 when he first discussed the item. Director Dove commented that he does not usually give twenty percent raises. He further commented that if it there had been a salary survey done and it gives us ranges and if adjustments need to be done then that would be another thing, rather than a merit raise. General Manager Koehne commented that the range he had given the board was from a salary survey that had been done and that the

board had not given merit raises in a few years and that staff would like to do this to retain the employees. There was discussion about the way it is phrased, that asking for a merit raise seems that employees are getting large percent raises where if it were phrased as an adjustment that would be more justifiable. General Manager Koehne clarified that this item would be tabled, rate it, call some of these adjustments and bring it back to the next board meeting. Jeff Barber commented that it should be looked at as a compensation package; salary and benefits. He further commented that there should be job classifications and ranges for the job. Pat Richardson asked if the board had read the reviews. There was further discussion about the package being salary as well as benefits. Director Dove asked about getting a Human Resource Consultant. Director Piepho made a motion to direct the General Manager to obtain a Human Resource Consultant to identify the items to include an adjustment, breaking down the possible increases into adjustments, a scale for the merit, including the cost of living scale and bring them back to the board so that they would be postponing items C1 and D3 indefinitely. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain) There was discussion about where to find a Human Resource Consultant. General Manager Koehne commented that he would check with the California Special Districts Association (CSDA) to find a Human Resource Consultant.

#### **D. WORKSHOP ONLY**

1. **Discuss Possible Impact/s of Tentative NPDES Permit (Koehne)** General Manager Koehne explained that the District is in the process of getting their NPDES permit renewed and that one of the steps recently completed was open for public review. He further stated that during that time three agencies commented. One agency was the California Sports Fishing Protection Alliance and that they want to be a designated party to our permit because they feel they are being affected by our permit. Another agency is the State Water Contractors that have also commented on the permit and the last is a legal firm out of Sacramento which represents the San Luis and the Delta Mendota Water. He stated that he had sent a copy of these comments to the board members for their review. He further commented that if these agencies get the items that they want put into our permit it would drive up the costs in upgrades to the current system we have, somewhere in the range of 5 to 10 million dollars. Director Dove asked if the way our permit is looking now, even without the other agencies comments, will it be necessary to make changes to our system for salinity. General Manager Koehne responded that it looks like the District will have to do some studies in toxicity reduction evaluation, possibly a mercury evaluation program and a salinity plan. He further explained how those studies would be done. There was discussion about water softeners and their effect on the discharge water. Director Piepho asked Legal Counsel if the District could purchase bulk of something like potassium chloride to sell to the residents at a low cost so that it would be used in the water softeners and possibly help the discharge. Legal Counsel responded that he thought it could be because they are not giving anything away and it directly relates to the Districts discharge. Legal Counsel further commented that the District would want to make sure that it was in fact good for the system before going into something like this.
2. **Discuss Restructuring District/Staff, GM, Water/Wastewater, Landscape Mgr, Community Center Manager (Piepho)** Director Piepho commented that he had brought this up about two years ago and that no restructuring has been done to this point. He commented that the District has evolved over the past ten years and he stated that he thinks it is time for the board to consider a couple of different models. He stated that they need to balance the cost that the public and the board are willing to shoulder versus the organizational chart that they are willing to put up. He commented that while there is discussion about the benefit packages and comparable jobs in other districts it will have an impact on what the district rate payers pay. He stated that currently the General Manager is over all staff and the Board is in charge of the General Manager. He stated that he had two preliminary models to consider and that they may both work as one may be a step to the next. He then drew a chart of the General Manager with everyone reporting to the General Manager. He drew one of two proposed models; General Manager, under that would be a Landscape Manager and a Sewer and Water Manager. He drew the contractor under the Sewer and Water Manager. He drew a second model with a Water and Sewer Manager and a Park and Recreation Manager under the General Manager. He stated that the second model would put a manager over the Community Center, Parks and Landscaping. He stated that the main thing in both models is the Water and Sewer Manager. He stated that the General Manager in the first model could oversee the work on the Community Center until it is up and running and they could then move toward the second model. He stated that they

need a dedicated person over the Community Center project who will need to be able to put something on the ballot, oversee it and the business plan and all the other things that come along with the acquisition of the Community Center. He stated that there is also the funding of either of these models. Treasurer Knight commented that she liked the first model. Vice-President Doran also liked the first model. Director Dove commented that he also feels that there needs to be more staff and that possibly there could be a spot for a Human Resources (HR) Consultant. Treasurer Knight commented that they could have the HR person look at the cost and requirements of the people needed on the management levels. Director Dove agreed that the HR person could help them put this together. President Murphy-Teixeira commented that she agrees this needs to be done; she likes the first model since there is a go to person, there is no confusion as to what their job duties are. She further commented that there is definitely a need for a Sewer and Water Manager. She commented that the community is growing and the district needs to also. There was further discussion about the cost of the restructuring. There was further discussion from the audience about how to go about restructuring the staff. Director Piepho commented that the suggestion of a committee to keep this in motion would be a good idea. He also commented that the General Manager can hire the people to fill the positions but that the Board needs to identify the positions. Legal Counsel stated that the only employee that the Board has is the General Manager, he stated that under the Government code everyone else works for the General Manager. He stated that the Board is charged with setting the structure. He suggested that the Board present their model to the HR person and the CSDA for comments. Director Piepho commented that the board bring this back to the next meeting for direction. General Manager Koehne commented that he had asked staff if there was anyone interested in the Landscape Manager position that is currently not filled and that Liz Hardy had asked to fill that position. He stated she is running the Landscape Department and that there is a learning curve right now and that there needs to be a financial person brought in to cover her current position. He further commented that he had planned for a Sewer and Water Manager and has put money aside in this year's budget for that position. He recommended that the position be hired on a temporary position while the HR consultant develops a plan.

**3. Discuss Employee Benefits (Koehne) Included in Item C1.**

**E. ADJOURNMENT**

Director Piepho motioned to adjourn the meeting. Vice-President Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain) The meeting was adjourned at 10:42 am to the next Regular Meeting on November 19, 2008 at 7:00p.m.

12/1/08 lh



# TOWN OF DISCOVERY BAY CSD

## Lakeshore Sewage Spill Ad-Hoc Committee

1800 Willow Lake Road, Discovery Bay, CA 94505 Telephone: (925) 634-1131 Fax: (925) 513-2705

### Committee Members

Chair-Shannon Murphy-Teixeira  
Board Member – Dave Dove  
Staff Member – Virgil Koehne  
District Engineer – Gregory Harris  
Public Member – Carlos Tabarini  
Public Member – Walter MacVittie

**MINUTES OF A SPECIAL MEETING OF THE  
LAKESHORE SEWAGE SPILL AD-HOC COMMITTEE  
OF THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Monday, November 17, 2008**

1800 Willow Lake Road  
DISCOVERY BAY, CALIFORNIA  
MEETING at 6:00p.m.

**A. ROLL CALL**

Chair Murphy-Teixeira called the meeting to order at 6:00 pm and stated that all members were present.

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

There were no public comments.

**C. CONSENT CALENDAR**

**1. Minute(s) of Previous Meeting – November 3, 2008**

Member MacVittie commented that he felt that there needed to be more detail and clarification in the minutes. He commented that he thought there was more discussion about the additions needed to be put in the amended five (5)-day report. There was discussion about how to amend the minutes in order to have the changes made to the minutes themselves versus just listing the changes in the next minutes. The committee decided to hold off approving the minutes until they have gone over and have more detail. Member MacVittie made a motion to have the minutes redone with more specification. Member Carlos Tabarini 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain)

**D. NEW BUSINESS FOR COMMITTEE CONSIDERATION**

**1. Discussion and Comment on Lakeshore Storm Water Pump Station (Koehne)** General Manager Koehne stated that the committee had asked at their last meeting that this item be put on for discussion. He further stated that this came up because there were questions about how the Lakeshore Pump Station might or might not have fit in with the spill. Member Tabarini commented that at the last meeting, in the review of items that were being sent to the State, it was mentioned that they were sending a copy of the logs of the Lakeshore Pump activity. It was determined that the Town had not yet received a copy of the items sent to the State. Member MacVittie asked that Member Tabarini explain the issue. Member Tabarini explained that he had been asked by members of the audience if the water in the lake, after it had been contaminated, had been discharged into the Delta. He further commented that the logs he had mentioned would have shown when the pumps were running and therefore if they had pumped out any contaminated water. Member MacVittie asked for the dates in relation to the spill. Member Tabarini gave a timeline that he had composed of the dates of the Lakeshore Lake functions. He read it as follows:



August 9, 2008 -- It was reported that the Lake level was very high and it was reported to their management company.

August 12, 2008 -- He was authorized by Randy of Southwest Water Co. that the fountains could be turned on because they had results back from the final or second to final water sampling. The baseline for the coliform was at or below their normal baseline. (He commented that the samples for these results had been pulled four days prior to this date.)

August 14, 2008 - The fountain was turned on.

August 23 or 24<sup>th</sup>, 2008 -- The lake was getting very low, so that you could see the difference in level. He commented that because they could actually see the drop in the lake that between August 14<sup>th</sup> and 23<sup>rd</sup> or 24<sup>th</sup> that would have been when the pumps were turned on and the water was actually being pumped out of the Lake into the Delta. He further commented that this assumption would be from notes of people seeing the level of the Lake change. He stated that they could have the actual days and times if they got the pump logs. He further commented that he would hope that this information would help to alleviate the concern of residents that the contaminated water after the spill had been pumped out into the Delta. Chair Murphy-Teixeira asked about the comments of vandalism of the Lakes Pump Station. Member Tabarini responded that he did not feel there had been any vandalism. He explained that the building that houses the pump station does not have an attached roof on it, the roof is above the structure and open to the atmosphere but the surrounding is locked. He stated that after he had heard that there was a question of possible vandalism, he had gone to the pump house to look and the lock showed no signs of damage. He stated that they had checked to see who had keys to the lock and found that there is a key at the Guard Shack. Southwest Water has a key and even some of the Hofmann representatives have keys. General Manager Koehne stated that the Town does not have a key to the Lakes Pump Station. Member Tabarini explained that the pumps are only accessed by the contractor that maintains it usually because the pumps run in automatic settings to pump water out of the lake when it reaches a certain level so that it does not overflow. He further explained that the lake is a "no-contact" lake and that it is designed to be a catch basin for the storm drains in the subdivision. He also explained that the pumps having been shut off initially was actually a benefit because at the time of the spill it would not have been prudent to pump water out into the Delta and the Lake was already contaminated at that point so it would give it time to come back to baseline before any pumping would be done. Member Dove asked where the water would come from to raise the level of the lake in August. There was discussion about the possibility of run-off from irrigation. Bill Joplin of SWWC commented that the lake is filled by ground water. Member Dove asked when they could look at the logs. Randy Johnson of SWWC stated he would bring the box to General Manager Koehne the next day. There was discussion about whether this item needed to be discussed at a future meeting when the logs were available. It was decided that it was not necessary to bring it to a future meeting because the pumps did not get turned on until after the samples of the lake were back or below the baseline of the lake. District Engineer Harris asked what is the verification that the pumps did not run in July 2008. Member Tabarini responded that during the time that the spill was first being discussed he stated that someone had pulled the logs and told him that the pumps had not been run since July 14<sup>th</sup> or prior. He stated that the logs would provide that information. District Engineer commented that it would be good to look at the logs and have the data to show that the pumps had not been run since a specific date. Member MacVittie asked that General Manager Koehne make a copy of the logs and give them to the committee. Randy Johnson commented that the logs he had sent to the CRWQCB were the sign in logs with the pump hour meter readings, that they were not the PLC logs.

2. **Discussion and Comment on Proposed Presentation to the Town of Discovery Bay CSD Board for the November 19, 2008 Regular Board Meeting of the Findings of the Committee (Koehne)** General Manager Koehne presented this item to the committee for their comment. He stated that the Presentation has been put on the agenda for the Town's Board Meeting on November 19, 2008. Chair Murphy-Teixeira stated that she thinks that they should do this in two parts. She commented that part two would be recommendations of the committee and an overall rating of how the situation was handled. She further commented that the committee needed to agree on a timeline. She stated that she sees the presentation with a timeline with what exactly happened, as in the draft that they have been using. She then stated that there would be a presentation by District Engineer Harris, with the screen shots of the SCADA System. District Harris commented that if the audience were to get a copy of the time line they could follow it along with the presentation of the screen shots of the SCADA data. Chair Murphy-Teixeira commented that she would like to see everyone get a Lakeshore Spill packet including the timeline, all the reports, the letters in which we responded to the State, and everything that we turned in related to the Lakeshore Spill. District Engineer Harris asked if the appendages were to be handed out. It was decided that those were not related to the spill itself. Chair Murphy-Teixeira stated that the community would be apprised of all the information so that they would be able to agree or disagree with their recommendations when they make them to the board. The screen shots were decided to be displayed on the projector screen for the community to look at while the timeline is being presented. Chair Murphy-

Teixeira asked if they should have a presentation about what they have found out about the pumps. The committee agreed that they should. Chair Murphy-Teixeira asked about how the presentation would be organized, if anyone had any suggestions. She suggested she could start off the presentation, they could talk about the timeline, District Engineer Harris could do his presentation of the Screen Shots, she could talk about compliance notices and what letters went out, and General Manager Koehne or she could do that part. She then stated she would like to ask the rest of the committee members to come up and give their input of any of the items being discussed at the presentation. Member MacVittie commented that if they are going to use the timeline that it is things they have found and feel to be the factual events of the incident, beyond that would be the recommendations and some of those have already taken place. They discussed how this presentation would be their fact finding only and the next presentation would be their recommendations and the overall rating of the handling of the event. District Engineer Harris commented that even though the second presentation would be recommendations he would suggest that they talk about the corrective actions that have already been taken such as changing the auto dialer to dial out at the end of the day as a positive confirmation that the SCADA System is working. It was decided that they would do the timeline, then the corrective actions already taken. It was decided that SWWC would make a small presentation of things that they have done to this point. Chair Murphy-Teixeira asked for an outline to be put up so that the audience would know when items will be presented. Member Dove asked for a graph showing the dates and levels of the Lake. It was decided that the graph would be based on a chart of information given by SWWC to the CRWQCB dated September 9, 2008. District Engineer Harris commented that he thinks the timeline is more easily understood with the Screen Shot and should be presented together. He further commented that there had been a lot of processing done at these meetings that the community needs to know about so he thinks the introduction should be what was the process and what they have been doing. He commented also that they should reiterate what their charge was and what they have done, attending meetings, reviewing data and from that they had developed what they believe is the most accurate time line of what occurred and then present the timeline. Chair Murphy-Teixeira clarified the outline: Introduction; Process, Our Charge, Meetings, What they have done, Met with SWWC, etc. Roman numeral I; Timeline in conjunction with the Screen Shots, then Roman numeral II: Compliance Notices that went to the State, then Roman numeral III; Corrective Actions to Date, then Roman numeral IV, Recommendations Coming. There was discussion about getting confirmation from the Board that this is the path they are going down and that they are on the right path. There was discussion about any information that might be needed for the presentation. Member MacVittie commented that the only thing he hadn't seen yet was a copy of item #6 the amended five (5) day report from Randy Johnson. General Manager Koehne responded that he had not received that yet from Randy Johnson. Member MacVittie asked Randy Johnson why General Manager Koehne had not received the amended report. Randy Johnson responded that he had not completed the amendment yet, that he had another spill to deal with that he had been working on all week. Member MacVittie commented that the amended five (5) report was to go with the response as part of 40 items that they had gone over at the previous meeting. Randy Johnson responded that he was going to try to put it in the response but that he had sent exactly what had been asked for which was a copy of the original five (5) day report. Member MacVittie stated that the committee has been discussing the facts at meeting after meeting and that if he does not have time to complete the requested amended report that corporate should have given him some help. He stated that he does not see any excuse at this point in time. Randy Johnson stated that, from his point of view, he is not done investigating yet. He stated that he had Cooper Controls come out and calibrate the control meter at Newport and found that it was off at the high end and the low end. He stated that it twelve percent at the high and twenty six percent at the low, and that the transducer was full of stuff sitting on it that may effect the level. He stated that they have been verifying some elevations on that and that he has those numbers and hasn't had a chance to put them out on a graph. He stated that he has deadlines on the current spill that he has to keep and that the amended response does not have a deadline. Member MacVittie commented that he did not agreed about the deadline, that the amended report has pertinent facts that were never in the original report that is going to the water board that has not been disclosed and are important for them to see and that these have been discussed over and over at these meetings. He stated that he can not fathom any reason that it was not done and that it can always be tweaked with additional information. Member Dove commented that the report can be amended again, and that this is November and the spill took place in July. Member Tabarini commented that the fines have not been levied at this point and that the Water Board will be calculating the fines based on incomplete information. They are not going to see that the Town and SWWC have found some deficiencies and are working to correct them so that they can consider that in their determination on how they choose to penalize the Town or SWWC, or anybody who they fell is responsible. He stated that it would help them to see that the Town and SWWC are taking this seriously. Randy Johnson commented that he wanted to make sure that the amendment is correct and accurate as well and that is why he is not going to send another half-done report. He commented that the committee is saying that there are inaccuracies. He adamantly stated, "No, we did not

have all the information at the time". He does not agree with sending amendment after amendment, he wants to do it right and properly this time. Member Tabarini commented that there needs to be a date of completion for the amendment so that it can be submitted. Member MacVittie commented that he has no confidence in this now and that Kathy Stone, as the Regional Manager, should be making sure that this gets done. He further commented that she had been in several meetings and heard that this amended report was going to be done and that it is her employee that is not getting it done as promised. Kathy Stone responded that she had been in contact with Randy Johnson about the report and that he had told her that he had just received this new information and that he needed to put it together for the report. General Manager Koehne asked about the data that SWWC is gathering that staff does not know at this time. He asked if SWWC is saying that the spill amount is incorrect by the calculations. Randy Johnson stated that he did not know that at this time, but he does know that the flow meter is inaccurate, it is reading high. The transducer had a bunch of rags on it so it may be inaccurate, until he puts the elevations where it was tested after it was cleaned off, because it could affect the pressure in the transducer and the elevation readings on it. He further stated that he had talked to the District Engineer and that he had not used the flow meter in any of his calculations so maybe the calibration does not affect anything. But until he can get the transducers levels and put them on the same elevations as what they had SCADA and we had overflowing what he had found in the plan, then he can put those all together in one chart and see where those elevations actually are. General Manager Koehne asked if Randy Johnson thought the State would buy off on that or wonder why we didn't do it earlier. Randy Johnson commented that they could do it now and if they find something different that is beneficial that they can have the District Engineer do an engineering test on it and put his stamp of approval. He further commented that they had done this as operators to confirm what they had thought to be inaccurate. He stated that if it does turn out to be enough of a difference as we believe, they will ask the District to have the engineer's double check our figures and maybe that will be enough for the State. District Engineer Harris commented that the Town had drafted a letter on November 3<sup>rd</sup> ready for November 7<sup>th</sup> that included the power analysis along with our copy of the timeline that we had developed. He further commented that the letter also stated that attachment three would be revised by SWWC. He stated that as of today the part about the attachment had been removed and the letter has been sent. He stated that the Town is no longer waiting for SWWC to amend the report. The Town has sent in their power analysis with our timeline, factual highlights and the three big items that we thought were missing in the original report highlighted. The Town had a responsibility to respond to the request sent to the Town and they had fulfilled that responsibility without the amended report. He stated that this means that there is now conflicting data at the Regional Board and that they told them in their response that there is conflicting data and this is how we think it is. Member MacVittie commented that the District Engineer had told them before that they do not have the authority to force SWWC to write the Five (5)-day report in any certain way and that they are going to write it however they want even though the committee has tried to get them to do it, get it done right and in a timely manner. Member MacVittie commented that they have been extremely frustrated and that they have done what they can, and that the Town has reported it and that there may be even more conflicting nuances. District Engineer Harris commented that there maybe further conflicting information but that the Town has responded with what they feel is accurate. He also stated that they had calculated the spill in three different ways and that is why there is a range on the amount and they don't have perfect knowledge of what happened that day so there is a reason that the amount was calculated three different ways and back checked. He stated that they attempted to look at it from every angle. District Engineer Harris commented that the spill this last week happened during the time that SWWC was checking the elevations and filled up the wet well, then turned on three pumps to draw it down. He further commented that the clean out was over pressurized. Randy Johnson asked how the District Engineer knows the lines were over pressurized; they were only putting out 10 pounds of PSI. He stated that the District Engineer was making incorrect assumptions. Chair Murphy-Teixeira asked why this is being brought up at this time. The District Engineer commented that he thought that the board will want to look at the reason for this spill also. Chair Murphy-Teixeira commented that the Board will probably ask either this committee or another committee to look at this new spill and come back with a report. Member MacVittie commented that he did not feel that the people involved in this issue are working together and when we go to the Regional Board or the State Board we should all be talking as one and that from the beginning he feels they have not been. Chair Murphy-Teixeira commented that she was frustrated with SWWC on this issue and cannot understand why they have not put in the extra time to get the things done that have been asked of them. She stated that if she wants to work for someone she will stay up all night if necessary to get done what needs to be done. She stated that the Town and board are under a microscope to handle this properly and that they are getting ready to do a presentation and the work that they were to have done is not done because of SWWC. She stated that she does not want to keep beating up SWWC but the stress level for this is over the top. She stated that she is taking time away from her family and work and came in tonight to find out that they have not done what they said they would do. She stated that there are many saying why not get rid of SWWC right now but they are trying to

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give them a chance and do this fact finding and yet SWWC needs to take this seriously. Kathy Stone stated that they would get the report done. Chair Murphy-Teixeira stated it should have already been done. General Manager Koehne reviewed the presentation to be sure they all agreed. Mr. Kier asked if they would be presenting the information about whether the pumps ran or not during the timeline of the spill. District Engineer Harris commented that they would look at the data and if the information is there they will say if the pumps ran or not.

Member MacVittie commented that he would like to be advised of any future spills from staff. Chair Murphy-Teixeira commented that she would like to be notified as soon as staff knows about any spills. She also commented that any decision to maintain or disband the committee is at the discretion of the Board. She also commented that it would be good to know about spills so they can see if SWWC is following up with things they said they are going to do in the case of another spill.

**E. ADJOURNMENT**

Member MacVittie motioned to adjourn the meeting. Member Dove 2<sup>nd</sup> the motion. The motion passed. (4 ayes, 0 nos, 0 abstain) The meeting was adjourned at 7:43 pm to the next meeting on November 24, 2008 at 6:00 pm.



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

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

November 19, 2008

1800 Willow Lake Road, Discovery Bay, California

Website address: [www.townofdiscoverybay.org](http://www.townofdiscoverybay.org)

**Board Members**

President-Shannon Murphy-Teixeira	<a href="mailto:smt@politician.com">smt@politician.com</a>
Vice President-Bob Doran	<a href="mailto:dbredbob@sbcglobal.net">dbredbob@sbcglobal.net</a>
Treasurer-Patty Knight	<a href="mailto:plhewitt@us.ibm.com">plhewitt@us.ibm.com</a>
Director-David Piepho	<a href="mailto:DApiepho@sbcglobal.net">DApiepho@sbcglobal.net</a>
Director-Dave Dove	<a href="mailto:ddove@sbcglobal.net">ddove@sbcglobal.net</a>

**REGULAR MEETING at 7:00p.m.**

**A. ROLL CALL**

President Murphy-Teixeira called the meeting to order at 7:00p.m. She asked that the record reflect that all directors were present. She then led in the Pledge of Allegiance.

President Murphy-Teixeira stated that she had been informed that Private Island Homes requested that agenda Item F9 be pulled. She further stated that the board did not have prior notice that this was put on the agenda. Legal Counsel Stovall stated that the only rule for preparing the agenda is the board policy that states that the Board Secretary shall prepare the agenda and General Manager Koehne is the Board Secretary. He stated that there is a rule that Public Comment be on the agenda and a policy adopted by the board regarding Correspondence. He stated the normal procedure of staff preparing the agenda and then the President and Legal Counsel review and comment.

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

No Public comment.

**C. CONSENT CALENDAR**

Director Piepho made a motion to approve the Consent Calendar. Director Dove asked about breaking down the invoice from Herwit Engineering to see what parts of their invoice apply to the sewer spill versus other engineering services. General Manager Koehne stated that he would email a break down to the board and bring back the information to a future meeting. Vice-President Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

**D. CHAIR REPORT**

President Murphy-Teixeira asked that staff keep her informed of events in the District as soon as possible so that she is not surprised.

**E. DIRECTORS' COMMENTS**

Treasurer Knight had no comment.

Director Piepho commented that there had been a Community Center Meeting. He stated that he had since emailed the County, staff and the Developer to bring back some updated forms and documents to make a packet for the Board to review. He stated that he had also attended a County Advisory Meeting and that he

will bring back a brief for the Board and Community at a future meeting.  
Vice-President Doran had no comment.

Director Dove asked if there was an update on the audit. General Manager Koehne responded that it was very close to being done, possibly to be presented in December. Director Dove asked about the status of being a Municipal Advisory Committee (MAC). Legal Counsel commented that there had not been a meeting of the committee and that the last conversation from the Supervisor was for various parts of the County to come back to her with information, and that he had not heard a word since that time. Director Piepho clarified that the issue was more how a CSD fits into the MAC roles rather than the CSD being a MAC.

President Murphy-Teixeira noticed that the Fire Chief was in attendance and asked if she could go back to Public Comment. Legal Counsel responded that she could but that it would be limited with no dialog.

Battalion Chief Burris reported that Station 58 (located in Discovery Bay Proper) had taken calls for 8 medical, 2 structure fires, 3 auto accidents, 1 fire alarm, 2 hazardous conditions, 1 illegal burn, 1 brush fire and 1 minor rescue. He reported that Station 59 (Discovery Bay West) had taken calls for 5 medical, 5 structure fires, 6 auto accidents, 2 fire alarms 2 hazardous conditions, 3 illegal burns, and 2 vegetation fires. He warned that even though the winter is coming there is still the danger of fire.

**F. REQUEST FOR BOARD CONSIDERATION**

1. **Discuss and Consider Approving Resolution 2008-12 to Combine the Two (2) Board Meetings Scheduled in December to December 10, 2008 (Koehne)** General Manager Koehne presented this item to the board for their consideration. Legal Counsel explained why this was being done by resolution. Director Dove was concerned about only having one meeting. It was decided that the meeting of the 10<sup>th</sup> could be continued to another date in December if necessary. Vice-President Doran motioned to approve resolution 2008-12. Director Piepho 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
2. **Presentation by Lakeshore Wastewater Spill Ad-Hoc Committee on Findings and Discuss and Direction (Teixeira)** President Murphy-Teixeira presented this item to the board and audience. She stated that the committee would be presenting the facts as they have found them to be and that there would be another presentation of recommendations at a later date. She, Walt MacVittie, Carlos Tabarini, and Greg Harris of Herwit Engineering presented the information that they had found during their meetings of the Lakeshore Sewage Spill Committee. President Murphy-Teixeira commented that anyone who would like copies of the information being presented could ask for them after the meeting. Greg Harris of Herwit engineering presented screen shots from the SCADA System and explained it in reference to the timeline the committee had developed of the event. General Manager Koehne explained the requirements for reporting spills and how Southwest Water Company (SWWC) responded to the spill. Treasurer Knight asked about comments in the newspaper that said that the necessary documentation for the Regional Water Board had not been available. Director Piepho asked about the notification of the Board and the community when there is a spill and if there is going to be a recommendation of how to handle that. President Murphy-Teixeira responded that they would put these items into the recommendations that the committee puts together. General Manager Koehne presented a graph showing the e-coli levels of the samples taken from the Lakeshore lake on the day of the spill and after until it reached the baseline of the lake. Director Piepho asked to find out the health hazard of the contamination of the lake and how do you quantify what is a threat to public health, fish and ducks. General Manager Koehne responded that he did not know the answer but that they have based their information on the normal baseline of the lake. Carlos Tabarini explained that they had their water engineer take samples from their lake and explains to their residents how their lake relates to the "Lakes" Lake, the Golf Course water areas and the Delta. He stated that it was explained that they are comparable to the other lakes and sometimes even lower than the levels in the Delta. Director Piepho and Director Dove both asked for the level in relation to public health. General Manager Koehne presented the log from the Lakeshore Pump House. He stated that from July 14, 2008 the numbers remained the same through August 13, 2008 which shows the pumps did not run during that time with the exception of one short time when the pumps are turned on and off to check that they worked.

SWWC made a power point presentation about their corrective actions to date. There were questions about the issue that SWWC was asked to make changes in November of 2007. SWWC replied that they had made some of the changes requested and that others are still in progress by management changes and staff changes. There were questions about a fine that SWWC was asked to pay to the Town in July 2008. SWWC responded that they are working with the Town to validate the fines and that the current issue of the Lakeshore Spill has overridden the previous fine issue for the time being. It was explained that the previous fine was for permit violations. Director Piepho asked about an annual disaster training procedure from SWWC. SWWC responded that they are going through their emergency preparedness plan. Treasurer Knight asked again about the information that had not been available to the Water Board on their visit. Randy Johnson from SWWC responded that the information was at different locations and that he and General Manager Koehne are currently working to condense the information into locations that would be easily accessible. President Murphy-Teixeira commented that the next meeting of the Lakeshore Sewage Spill Committee would be on November 24, 2008 at 6:00 pm and that they would be putting together their recommendations for the board.

3. **Discuss and Approve to Increase to Water Meter Capital Budget for 2008-2009 Year by \$50,000 (Koehne)** General Manager Koehne explained to the board that the vendor that supplies the fireflies for the meter reading system has offered the district a deal that if they purchased 1,000 of the units now they will give us the software and training to go with the fireflies, which would be a savings to the district of approximately \$16,000.00. He stated that these would be units that the district would need to buy eventually and would be budgeted for the 2009-2010 year. He asked that the board consider approving the purchase at this time instead of in the coming budget year. Director Piepho made a motion to increase the Water Meter Capital Budget for 2008-2009 year by \$50,000.00. Director Dove 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
4. **Discuss and Possible Action to Direct Staff to Hire HR Consultant (Piepho)** Director Piepho explained that this is being brought to the board for action since it was discussed at the workshop. He commented that this comes up because of a need to restructure staff, wages and benefits. It was discussed that staff would go to the California Special District's Association to find a HR Consultant. Director Piepho made a motion to direct staff to search, in pursuit of hiring, an HR Consultant and bring the proposals back to the board. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
5. **Discuss and Possible Action on Letter for Franks Tract Project (Koehne)** General Manager Koehne explained that the board had been asked by the California Department of Water Resources to comment on a Notice of Preparation and Environmental Impact Statement/Environmental Report for Frank's Tract Project. He stated that this had come before the board before and that the board had asked that staff draft a letter and that it is now before the board. He further detailed the areas of the project and the previously discussed concerns. Director Piepho asked that staff fax over the draft copy to Arnie Simonson of the Delta Protection Commission to see if he has any comments. Treasurer Knight commented that she would change number 5 to number 1. Legal Counsel commented that he thought the letter was going to be split into CSD concerns and MAC concerns per the previous discussion at the meeting of November 5, 2008. Director Piepho commented that he would check to see if it was necessary to split the items up in separate letters. Mr. Greggans suggested that the letter be sent to the Department of Fish and Game, The California Water Quality Control Board and the Environmental Protection Agency. Chris Provencher, from the Board of the Discovery Bay Yacht Club, brought a draft letter that is being looked at by their board to send to the same agency. Director Piepho motioned to send the letters to the appropriate parties including copying the Board of Supervisors and all the other agencies that were mentioned and to the State if allowable under the Charter through the Board of Supervisors with the amendment to switch number 5 to number 1. Director Doran 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
6. **Discuss and Approve Purchase of 2 "SMARTCOVER" units (Koehne)** General Manager Koehne presented this item to the board. He stated that this would be a back-up for sewage spills in case the SCADA System failed. The board asked to wait on this item. This item was tabled by President Murphy-Teixeira.
7. **Discuss and Approve Cost of Living Increase of 3% for District Employees (Koehne)** General Manager Koehne presented this item to the board. Treasurer Knight asked if this was a normal annual

item. General Manager Koehne responded that it was. Director Piepho asked if this increase was included in the budget. General Manager Koehne responded that it was. Director Dove made a motion to approve a 3 percent cost of living increase retroactive to August 6, 2008. Director Piepho 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

8. **Discuss and Possible Action on "Public Review and Intent to Adopt A Proposed Negative Declaration" from CCC on Boat Storage Combining District Ordinance (Koehne)** General Manager Koehne presented this item to the board. After discussion the board had no comment.
9. **Discuss and Possible Action on Proposed Public Facilities & Infrastructure Agreement with PIH – Discovery Bay, LLC (Koehne)** Pulled from agenda at beginning of meeting.

**G. GENERAL MANAGER REPORT**

1. **Report on Highway 4 Spill** General Manager Koehne reported that there had been a spill on November 10<sup>th</sup> at a force main on Highway 4 by the intersection of Discovery Bay Boulevard. He reported that it looks like the cleanout failed because there had not been any primer put on the PVC piping before it was glued. He explained that a lot of the spill went onto Highway 4 on the ground; some ran around the corner into the storm drain that empties into a small lake behind the Steak House. He reported that samples had been taken. He reported that all agencies had been notified and that all reports had been filed. He reported that the homeowners in the area had been notified, as had the Golf Course, and the Homeowners Association. Director Piepho commented that staff should have been contacted earlier. General Manager Koehne commented that he would contact the board even if he did not have any details. Director Piepho also commented that the report he had received from SWWC and staff was very hard to understand. General Manager Koehne reported about other spills in other communities. He reported that there are ten California water systems facing fines for failing to monitor e.coli in their drinking water. He reported that in Santa Clarita the voters approved a measure to remove salt based self generating water softeners from district homes. He reported that there had been a huge amount of public record requests. Director Piepho asked if the General Manager could report on the amount of public records request.

**H. LEGAL COUNSEL REPORT**

Legal Counsel reported that he would be going on vacation from the following Wednesday until December 22, 2008 so Mr. McGrew will be covering the meeting on the 10<sup>th</sup>.

**I. CORRESPONDENCE**

**Information Only**

1. R – State Route 4 Bypass Meeting Minutes for July 10, 2008, August 14, 2008 & October 9, 2008
2. R – Transplan Committee Minutes of September 11, 2008
3. R – Letter from Board of Supervisors re: Representatives for Fire District Roundtable – Oct 28, 2008
4. S – Letter to Board of Supervisors re: District's Rep for Fire District Roundtable – November 6, 2008
5. R – Letter on Board of Supervisors approval of Landscape maintenance agreement – November 3, 2008
6. R – Letter from CRWQCB re Notice of Violation– October 9, 2008
7. S – Letter to CRWQCB re Response to Notice of Violation - October 22, 2008
8. R – Letter from CRWQCB to Southwest Water re Request for Information – October 14, 2008

**J. FUTURE AGENDA ITEMS**

President Murphy-Teixeira added Presentation Number 2 from the Lakeshore Wastewater Spill Ad-Hoc Committee for the next agenda.

**K. ADJOURNMENT**

Vice-President Doran motioned to adjourn the meeting. Treasurer Knight 2<sup>nd</sup> the motion. The motion passed. (5 ayes, 0 nos, 0 abstain) The meeting was adjourned at 10:46 pm to the next meeting of December 10, 2008.

Lh 11/23/08





# TOWN OF DISCOVERY BAY CSD

## Lakeshore Sewage Spill Ad-Hoc Committee

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1800 Willow Lake Road, Discovery Bay, CA 94505 Telephone: (925) 634-1131 Fax: (925) 513-2705

### Committee Members

Chair-Shannon Murphy-Teixeira  
Board Member – Dave Dove  
Staff Member – Virgil Koehne  
District Engineer – Gregory Harris  
Public Member – Carlos Tabarini  
Public Member – Walter MacVittie

**NOTICE, CALL, AND AGENDA  
OF A SPECIAL MEETING OF THE  
LAKESHORE SEWAGE SPILL AD-HOC COMMITTEE  
OF THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Monday, November 24, 2008**

1800 Willow Lake Road  
DISCOVERY BAY, CALIFORNIA  
MEETING at 6:00p.m.

**A. ROLL CALL**

Chairman Murphy-Teixeira called the meeting to order. The roll call reflected that all members were present except Carlos Tabarini.

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

No public comments.

**C. CONSENT CALENDAR**

Member MacVittie motioned to approve the Consent Calendar. Member Dove 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 0 nos, 0 abstain)

**D. NEW BUSINESS FOR COMMITTEE CONSIDERATION**

**1. Discussion and Comment on Future Recommendations for the Lakeshore Spill from the Ad-Hoc Committee**

Chairman Murphy-Teixeira commented that she would like to break this item up into Recommendations of how the Board handles future spills; pre Sewer Manager and post Sewer Manager and then recommendations for the vendor. General Manager Koehne asked if the committee wanted to address the two different types of spills; Category 1 spills and Category 2 spills which have different reporting requirements. Category 1 is over one thousand gallons or if it reaches water. Category 2 is less than one thousand gallons and stays on land.

Category 1 – Pre Sewer and Water Manager;

The President of the Board to be notified immediately; regardless of the time of day. The board should be notified by e-mail. There was discussion about using a vendor such as Code Red to notify the board as well as the community surrounding the spill area. General Manager Koehne commented that the County also has a program that could do what Code Red does. District Engineer Gregory Harris commented that the District is in the process of developing an Emergency Response Plan that is due by January 5, 2009. He stated that he sees that plan including the notification of the community as being part of that plan and that it should be the responsibility of the vendor not the District to notify the community. President Murphy-Teixeira commented that there needs to be a mechanism in place to be sure that the vendor takes care of

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from the vendor, but with the defensive attitude he does not see the relationship going long term. Chair Murphy-Teixeira commented that she was frustrated also about the attitude and having to work so hard to get what needs to be done out of SWWC. She commented that people had been flown in to make a presentation, but they have said all these things before. She commented that the District Engineer had stated that SWWC had to be cajoled to do their job and with the money the District is paying they should not have to be cajoled they should just do it. She commented that her concern is if they do put into place all these things that they (SWWC) say they are going to do will they really be a better company then going out to look for someone else. She commented that they have a responsibility to the Board to let them know that there are issues from a year ago with the vendor that have not been taken care of and the frustration of the committee working with the defensive attitude of SWWC. District Engineer Harris commented that 2 years ago the District had signed a new contract with SWWC giving them more money because they said they were having problems with employee retention and that was the reason for some of their issues. He commented that a year later they are still having the problems which prompted the November 2007 meeting. He commented that he did not think the District has gotten the attention of SWWC and that they could exercise their 90-day option. General Manager Koehne commented that the performance has gotten better, then it subsides again and that it has to do with the constant turn over of personnel even to the management level. He commented that this site trains the personnel and when they are trained they go elsewhere for more money. There was discussion about the District hiring their own personnel to man the facilities. Jeff Barber commented that there should already have been a 90-day notice of breach. Mr. Kier commented that he agrees with all the recommendations including the 90-day breach and that he feels that the board should have been more aware of the ongoing issues with SWWC. Mark Simon commented that SWWC has stated that they are going to change and he asked have things really changed. Member MacVittie commented that he would have thought that the minutes of the November 2007 meeting with SWWC would have been given to the board. There was discussion about the Board being apprised of these types of situations. Chair Murphy-Teixeira commented that the Board being kept aware of these issues is in the recommendations for the Board. District Engineer Harris commented that the 90-day breach recommendation could be separate from other recommendations they may have for any vendor and that he would talk about those during their presentation. He commented that he felt that they could send a staff report, 90-day notice, written text and a list of things that need to be done, and the board could review it comment on it and be ready to vote on it on December 10, 2008. He also had some recommendations that he thought would be good for the SSO Plan;

- a.) we are unique in the way we have to notify
- b.) there is the storm drain, lake system
- c.) procedure to log any changes at each site, pump station
- d.) procedure to go check the SCADA System
- e.) go over SCADA training and establish written procedure
- f.) request that if there is a spill that SWWC commit a corporate person to complete the necessary reports
- g.) review of the report

Bill of SWWC commented that there needs to be teamwork between the District and the vendor, no matter whom, or else the same issues are going to occur. Kathy Stone of SWWC commented that SWWC has been the District's vendor for a long time and there had not been a lot of issues before and that she is confident that they can get through this. She commented that for ten years they did not come to the board for the increase and that the increase was also with an extension of the contract because the board was pleased with them. Bill commented that the District had grown quite a lot. Member Dove commented that the scope of the amended contract was also set up with the monies to take care of people and the consideration of growth. Jeff Barber commented about the reimbursement of fines from July 2008. Kathy Stone stated that was taken care of and that when this spill issue is completed they will issue a check.

2. **Discussion and Comment on Recommending whether the Lakeshore Spill Ad-Hoc Committee should Remain Intact for Future Responses from the California Water Quality Control Board (Murphy-Teixeira)** Chair Murphy-Teixeira commented that the recommendation of the committee to the board would be to remain intact. Member MacVittie added to meet as needed and report to the board. It was asked if the committee would be investigating the second spill. Chair Murphy-Teixeira commented that it would be a decision of the Board if they wish to make the committee a spill committee versus just the Lakeshore Spill Committee. Chair Murphy-Teixeira commented that there were 13 items to recommend to the board and approximately five items to recommend for the vendor. Member MacVittie commented that the minutes from the November 2007 meeting should go to the board as part of the presentation.

### E. ADJOURNMENT

Member MacVittie motioned to adjourn. Member Dove 2<sup>nd</sup> the motion. The motion passed. (3 ayes, 0 nos, 0 abstain) The meeting was adjourned at 7:45 pm to next meeting to be posted as needed.