



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-Kevin Graves
Vice President-Mark Simon
Treasurer-Brian Dawson
Director-David Piepho
Director-Ray Tetreault

jkgraves@comcast.net
mars11950@yahoo.com
Dawson.j.brian@gmail.com
dp1800todb@sbcglobal.net
raytetreault@comcast.net

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

March 17, 2010

1800 Willow Lake Road, Discovery Bay, California

REGULAR MEETING at 7:00p.m.

A. ROLL CALL

President Graves called the meeting to order at 7:00p.m. He then led the Pledge of Allegiance. General Manager Koehne called roll which reflected that Vice-President Simon, President Graves and Treasurer Dawson were present. Directors Tetreault and Piepho were absent. President Graves reported on the Closed Session Meeting held on March 4, 2010. There were two (2) actions taken at the meeting. The first was a motion to present an employment offer to one of the candidates for the position of General Manager. The motion passed with a vote of 3 ayes (Piepho, Tetreault, Dawson), 2 nos (Graves, Simon), and 0 abstain. The second motion was to authorize President Graves along with Pam Derby of the executive search company to negotiate a contract with that individual. That motion passed with a vote of 5 ayes, 0 nos, and 0 abstain.

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

Resident Don Flint wanted to raise the issue again of the website and video streaming. He stated that he has submitted a request to the Board and also volunteered to participate in a website committee. Jennifer Finetti, owner of NIA Creative, and contractor for the new website stated that the website is complete and will be presented at the next meeting. She also stated that the website has the capabilities of video streaming, however, it is up to the Town of Discovery Bay if they want video or not. President Graves asked if this is a cost that the Town of Discovery Bay should be looking in to or does the website developer provide pricing. Jennifer Finetti stated that the town would look in to the cost of video or audio production, but there is no cost to putting audio or video on the website. The Board chose to have the East Contra Costa Fire Protection District comment in this section since they were unable to attend the previous board meeting. Battalion Chief Burriss from the East Contra Costa Fire Protection District stated that since the district serves multiple areas, that if someone had an emergency to call 911 instead of going directly to the fire station. They might be out on another call; however, they will be diverted

back to the local emergency as it would be considered a higher priority. He also stated that Discovery Bay consists of two (2) stations; the station on Discovery Bay Boulevard and the station on Bixler Road. He gave statistics for each station's recent calls. Resident Richard Kier stated that he would like to take this opportunity to thank the district for hiring Landscape Manager Fairin Perez. She told him that the community would have flowers at the front entrance by the middle of March, and he was pleased to see that they are there.

C. CONSENT CALENDAR

1. Minutes previous meeting, Regular Meeting March 3, 2010, Special Meeting March 4, 2010

2. Various District Invoices

Vice-President Simon stated that the minutes are incorrect. He stated that in the section of the Directors' Comments pretty much none of what was on the tape is reflected in the minutes. Vice-President Simon stated that at the March 3rd meeting he mentioned that the reason that the letter was never presented to the Board and never went out was because it was stopped by Director David Piepho who was overstepping his authority. He stated that this was confirmed by General Manager Koehne. Vice-President Simon also stated that he asked General Manager Koehne if Director Piepho had not interfered, would he have sent the letter and General Manager Koehne said that yes he would have. Vice-President Simon said that none of that is reflected in the minutes of March 3rd. General Counsel Stovall stated that the proper action would be to remove the minutes of the March 3rd meeting from the Consent Calendar, and for Vice-President Simon to convey his comments to the General Manager to amend the minutes and they can then be brought back to the Consent Calendar for approval. Vice-President Simon made a motion to remove the minutes of March 3rd from the Consent Calendar to be fixed and that we approve the various district invoices. General Counsel Stovall asked if they are still approving the March 4th minutes and one of the Directors said yes. The motion was 2nd by Treasurer Dawson. The motion passed with a vote of 3 ayes, 0 nos, 0 abstain.

D. CHAIR REPORT

President Graves stated that the district is making great headway with the district's landscaping issues and hopes that it is meeting with the satisfaction of the citizens. He also attended the P-6 meeting last week and it is interesting in that it was a brand new committee putting together some brand new comments. It seems to be moving along as they have some definite concerns and questions about how the P-6 funds will be spent and he thinks there will be some accountability that will come of it. The County was supportive of the committee and assisting in administration and support staff.

E. DIRECTORS' COMMENTS

Treasurer Dawson stated that he also attended the P-6 meeting. He stated that he thinks it will be a good tool for transparency when it comes to the P-6 funds. Treasurer Dawson added that his wife accepted a job with NIA Creative, the website contractor and he immediately contacted President Graves to inform him that he would need to step down from his position on the website committee.

F. REQUEST FOR BOARD CONSIDERATION

1. Discuss and Possible Action on Developing a Plan for Landscaping Maintenance Work for Ravenswood Area (Discovery Bay L & L #9) (Koehne) – General Manager Koehne stated that he would like to obtain Board permission to develop a working plan to look at the cost for keeping the maintenance for Landscape District #9 in house versus outsourcing to another company. He thinks that would take about thirty (30) days to develop that plan. President Graves asked if there is a cost and General Manager Koehne replied that the only cost is for staff time to work on the plan. District #9 is currently on a month-to-month contract with Cleary Brothers. Vice-President Simon asked that any service that needs to be outsourced also be included in the cost estimates. Treasurer Dawson made a motion to approve the development of a landscape study plan for District 9. Vice-President Simon 2nd the motion. The motion passed with a vote of 3 ayes, 0 nos, 0 abstain.

2. Discuss and Approve Letter on Comments related to Newport Pointe Proposed Development (Graves) – Resident Bob Schwenke is concerned about impacting the area along Newport Drive and he agrees with the recommendations and comments to the County. Resident Sandra Rogers stated that she thinks the draft letter misses the tenor of the comments made by the Board and the public at the last meeting in which this issue was discussed. She feels that this draft letter gives the County the impression that the community is supportive of the project and does not have reservations about it. She thinks the letter needs to be stronger in reflecting the problems and concerns that were discussed at the meeting. Resident Dave Dove asked when this project originally came before the board. Treasurer Dawson stated that it was February 20, 2008. Resident Dave Dove stated that at that time the district was lacking sewer and water capacity and to his knowledge, the district has not added any additional capacity since that date. Vice-President Simon stated that he still has the same problem with this letter as when it was not on the agenda. Either we have it (capacity) or we do not have it. If we do not have it, we can not send a letter in stating that we might have it, because we do not have it. The last time the Builder was here was in January 2010. Vice-President Simon asked General Manager Koehne if we have done any studies since that meeting. General Manager Koehne stated that is an item on the agenda tonight to do, so it has not been started as of now. Vice-President Simon stated that the letter has been watered down and he thinks the original letter that was approved and should have been sent out, should be the one that is sent. General Manager Koehne stated that the developer would still need to come to this Board at a later time asking us to provide water and wastewater services. At that point in time, if we do not have the capacity, we could tell them no. Vice-President Simon stated that the County asked us for an early opinion and they will view the letter totally different based on what the letter says about capacity. Therefore, the letter should say at this time we do not have capacity for it. President Graves stated that at the original meeting, General Manager Koehne stated that we do not have capacity, but at the next meeting he amended his statement to say at this time we do not know if we can handle the additional capacity and that is what this letter states. Vice-President Simon stated that in February 2008 the district stated that we do not have the capacity. President Graves states he does not want to make a statement that we do not know is true. The Board discussed putting in the letter that the district does not know if it has capacity for the additional homes. President Graves stated that he talked again with the Project Manager from the County and was told by him that there are about eighteen (18) agencies that will have the opportunity to represent themselves, i.e.; fire, fish & game, etc. After input from the public and the Board, the board discussed changing some of the wording and the verbiage of the current draft letter. Resident Don Flint stated that it is the County that most residents distrust and they divert monies to other places that they feel are more important. He also stated that in the previous meeting many residents voiced concerns about property values and a glut of homes on the market. He thinks that should be included in the letter. There was no motion to accept the letter as written by President Graves. No action taken.

3. Discuss and Possible Action to Approve Cost to Develop Wastewater & Water Master Plans (Koehne) – General Manager Koehne stated that the last time the district had a master plan was in 1998 and they are used as a tool to make various improvements whereas when developers come in, they have to build or include items in conjunction with the terms of our overall plan. He received two (2) quotes, one from HERWIT Engineering who does our wastewater and the other one is from Luhdorff & Scalmanini who does the drinking water. The report includes tasks and if the district chooses to include all, the total is \$198,000 for the water master plan and \$161,000 for the wastewater plan. He stated that the Board may choose not to do some of the tasks. Most of this is being done by a company called Ecologic Engineers in Sacramento. Vice-President Simon would like to table this item until there is a full Board of Directors present for discussion. No motion was made on this agenda item. No action taken.

4. Discuss and Possible Action on Cell Tower Proposal for Slifer Park Area (Koehne) – General Manager Koehne stated that T-Mobile offered the district \$2,000 per month to place a cell tower that is designed to look like a palm tree at the Newport Lift Station. Vice-President Simon asked if this money would go in to a general fund. General Counsel Stovall stated that it would go in to a general fund

which would have to be established. President Graves stated that an annual cost of living increase might be able to be negotiated. Vice-President Simon made a motion to allow Virgil to draw a proposal. Treasurer Dawson 2nd the motion. The motion passed with a vote of 3 ayes, 0 nos, 0 abstain.

5. Discuss and Possible Action on Nominations for "Seat B" for California Special District Association (Koehne) – no motion was made on this agenda item. No action taken.

6. Discuss and Possible Action on Approving "Draft" 2007-2008 Year Audit (Koehne) – General Manager Koehne stated that he has provided the Draft Audit as part of the agenda packet and if approved, the Final Audit from the Auditors will come back to the next Board Meeting for approval. President Graves wanted to be clear that the two (2) Board Members who were not present at tonight's meeting would have the opportunity to comment on the Final Audit before approval. General Manager Koehne said that they would have that opportunity when the Final Audit is presented. Treasurer Dawson made a motion to accept the draft copy of the district's 2007-2008 Audit. Vice-President Simon 2nd the motion. The motion passed with a vote of 3 ayes, 0 nos, 0 abstain.

7. Discuss and Possible Action on Growth of District Office (Koehne) – General Manager Koehne stated that with the addition of the new General Manager, the district will be short on office space. He wants to obtain rental/lease information on an additional office space. Vice-President Simon made a motion to allow Virgil to seek outside office space or Board Meeting space. Treasurer Dawson 2nd the motion. The motion passed with a vote of 3 ayes, 0 nos, 0 abstain.

G. GENERAL MANAGER REPORT

1. Veolia Monthly Report for February 2010 – No verbal report was given by Veolia. General Manager Koehne stated that the written report submitted from Veolia had no significant items to report.

General Manager Koehne reported that at Well Site #1B, the pump had to be pulled out of the Three Hundred foot (300') deep well because the pump was not pulling a good yield. The pump was fine; however, the stainless steel screens were plugged with mineral deposits which is affecting the ability of the pump to pull water. They are working on repairing that and expect to have the well up and working before May 1st. Lighting and Landscaping District #8 is currently out to bid and the district is also out to bid for the new Ultra Violet System, to put in new electrical wires, and install a bypass pipeline. The district received the new forklift today and the landscaping is being done at the front entrance.

H. LEGAL COUNSEL REPORT

No Report.

I. CORRESPONDENCE-Discussion and Possible Action

1. R – CCC Aviation Advisory Committee FINAL Minutes of Meeting – January 19, 2010
2. S – Letter to CCC Department of Conservation – CDLP10-2017-Surfside Court
3. R – Byron Sanitary District Agenda for Meeting to be held on March 16, 2010
4. R – LAFCo Notice of Independent Special District Committee Meeting on April 19, 2010

No comments.

J. PUBLIC RECORD REQUESTS RECEIVED

- (1) Request from Ruth Roberts – Tape of March 3, 2010 Meeting
- (1) Request from Mark Doran – Keller Canyon Funds-Applications, Required Plans, Service Plans or Detailed Plans for Usage, Emails, etc. from 2005-2010

No comments.

K. FUTURE AGENDA ITEMS (Planned)

1. Status of Community Center – April 7, 2010 - General Manager Koehne stated that he put this item on as tentative because Director Piepho is not at the current meeting, and plans to place on the next

agenda if he is back because he is the lead on this item. President Graves will bring back the modified draft letter addressing the Newport Pointe Development for approval to send to the County to the next Board Meeting and bring back the discussion and possible action on approving the cost to develop a Water and Wastewater Master Plan. President Graves stated that if the appraisal will be back by the next meeting, they could put that on the agenda. Vice-President Simon would like to talk about changing the minutes to a more detailed or verbatim format. Treasurer Dawson would also like to put on the next agenda a discussion about video and audio streaming on the website.

L. **ADJOURNMENT**

The meeting was adjourned at 8:28pm to the next Regular Meeting of April 7, 2010 starting at 7:00pm at 1800 Willow Lake Road - Located in back of the Delta Community Presbyterian Church.

jd - 03.22.10