



# TOWN OF DISCOVERY BAY CSD

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

**MINUTES OF THE REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Wednesday October 6, 2010  
1800 Willow Lake Road, Discovery Bay, California  
Website address: [www.todb.ca.gov](http://www.todb.ca.gov)**

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

President Graves called the meeting to order at 6:30p.m. Director Piepho was absent. All other Directors were present.

**A. CLOSED SESSION:**

District Legal Counsel McGrew took the meeting into closed session.

**1. CONFERENCE WITH LABOR NEGOTIATOR Government Code section 54957.6**

Agency Designated Representative: Richard J. Howard  
Unrepresented Employees: All

**B. Return to open session; report on closed session**

The Board returned from Closed Session and District Legal Counsel McGrew returned the meeting to open session and stated that there was no reportable action taken. The meeting adjourned at 7:09p.m.

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

**A. ROLL CALL**

The meeting was called to order at 7:10. President Graves led the Pledge of Allegiance. Roll call was taken. All Directors were present with the exception that Director Piepho was absent. District Legal Counsel McGrew stated that the board held a closed session at 6:30 and there was nothing to report.

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

**Resident Don Flint** - Stated that Item D6 on the consent calendar from the September 15, 2010 meeting that the items G1 and G2 from the previous meeting of August 4, 2010 were brought back to the board to ratify direction. Resident Flint is concerned that the agenda did not state that any mistakes had been made. He also stated that he was not allowed to make a comment or have the item pulled. Following that meeting Resident Don Flint sent an email to the board asking what the rules and policy requirements are for making a motion and vote to ratify the prior action of the Board. The board replied back advising that it is Government Code 61045B and suggested that if he has any other questions to direct those questions to his personal Legal Counsel. Resident Don Flint feels that the Board violated Government Code 61045B by taking action without Ordinance, Resolution, or a motion.

**C. AREA AGENCIES REPORTS / PRESENTATION**

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

**Deputy Spalding** – 62 Reports – Pointed out incidents on the report.

Receives tips from residents, however, they are anonymous. Background information is needed to take action. Burglaries – Do not leave windows open in your home because that indicates the alarm is off, the same goes with your vehicle windows.

**President Graves** – States that we as a Community need to watch out for our Neighbors

**Vice-President Simon** – Asked about the party houses?

**Deputy Spalding** – Stated that many party houses are squatters; however, when calling in as an anonymous caller, that person may need to give their name and phone number in order to take follow up action. The online record line allows a resident to call in a complaint. In case of a non-emergency the number is 925-646-2441, and the number can be tracked much quicker from a cell phone call.

The Neighborhood Watch Program can be setup very quickly by coming into their office with the information and arranging a meeting.

**2. CHP REPORT - No Report**

**3. FIRE DISTRICT REPORT – Report**

**Battalion Chief Burris** - Provided copies of the September Incident Summary Report for the ECCFPD

When there are fires in the cul-de-sacs, and a resident sees the smoke, do not drive down to see what is going on, however, please call 911. Director Piepho questioned, at the previous Board Meeting, if the call boxes were working and Chief Burris said that they all work. Always use 911 when there is an emergency, in place of physically driving to the fire station.

**President Graves** – Requested that the report show the previous month to do a comparison.

**Battalion Chief Burris** – The boat fire on Reef Court was a 60 foot, 1960 Carlson. The bilge had fuel and when the owner placed a pump in, the fuel vapors sparked the fire. Owner was taken to the emergency trauma center, burned on his hands and face. The boat burned to the ground.

**4. EAST CONTRA COSTA FIRE PROTECTION DISTRICT REPORT**

None

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

**Karyn Cornell** from Supervisor Piepho's office – Delays on Vasco Road from 8:30a.m.-3:00p.m., will continue until tomorrow with one lane traffic. Update of the California Vehicle Code, for the Discovery Bay Country Club, is scheduled to go before the Board of Supervisors on October 19, 2010 to set the hearing for November 2, 2010. Karyn will keep the board updated. Contra Costa County Public Works Department will perform roadwork on Marsh Creek Road from the SR4 Bypass to Byron Highway beginning Monday, October 11, 2010 and continuing through the end of October between 8:00a.m. - 4:00p.m., including Saturdays. The main section of the Willow Lake Sidewalk Project is finished and the contractor is now working on some additional areas on Willow Lake Road and Riverlake Road. The Code Enforcement Staff will be attending the November 3, 2010 meeting to discuss Code Enforcement priorities for Discovery Bay. The Slurry Seal Project is complete. There is no official date set for minor cleanup and replacement of the traffic striping, however, Public Works anticipates next week and they are targeting October 15, 2010 as the last day of the work.

**Vice-President Simon** – Wanted to know how you would file a claim if you had damage during the Slurry Seal Project.

**Karyn Cornell** – Stated that you should get in touch with with the Contractor, Graham; the number to call is 408-293-9516.

**D. CONSENT CALENDAR**

1. Minutes of Regular Meeting for September 15, 2010

2. Capacity Fee Report for Fiscal Year 2009-2010

*Recommended Action* – Approval of the Capacity Fee Charge Report for Fiscal Year 2009-2010

3. Claim against the District – David and Jan McWilliams

*Recommended Action* – Reject Claim

4. District Invoices

*Recommended Action* – Staff recommends that the Board approve the listed invoices for payment

5. District Financials

*Recommended Action* – Receive and File

6. Consideration of contract approval for play structure removal in the play areas on the south side of Cornell Park

*Recommended Action* – Approve and authorize the General Manager to contract with Playgrounds Unlimited for demolition and removal of the play structure located on the south side of Cornell Park in an amount not to exceed \$6,630.00.

7. Consideration of contract approval for partition replacements for Cornell Park restroom facilities

*Recommended Action* – Approve and authorize the General Manager to contract removal and replacement services with TF Construction for the Restroom Partition Replacement project at Cornell Park.

**Motion made** by Vice-President Simon to approve the Consent Calendar and seconded by Director Tetreault.

**Motion carried** by the following vote: AYES: 4, NOES: 0, ABSENT: 1 – Director Piepho

**E. NEW BUSINESS AND ACTION ITEMS**

**President Graves** – Asked to move item two (2), requested by Staff, to be addressed first.

2. Acceptance of bid and Contract Award to James Breneman for the Ravenswood Spray Park Capital Improvement Construction Project.

*Recommended Action* – Accept lowest responsible bid for the Ravenswood Spray Park Capital Improvement Project and award construction contract to James Breneman and authorize the Board President to execute related contract documents.

**General Manager Howard** – Announced that the Consultant is here tonight. The Bids range from a low of \$111,000 to a high of \$184,000 and there were (9) nine different bidders on the project.

**Landscape Manager Fairin Perez** – Provided additional documents which are mainly financial. Landscape

Manager Perez stated that each bid item on the summary has a low bid; however, the low bidder was not the lowest bidder across the board. Fairin explained the budget in detail.

**Architect Bruce Jett for Ravenswood Spray Park**- Provided slides of the project.

**Vice-President Simon** – Asked if the change in the texture of the sidewalk will match the existing sidewalk.

**Landscape Manager Fairin Perez** – Stated that there are different colors of concrete and originally the bid included the plain gray concrete. Bruce Jett brought in that they want to match the existing concrete and that is included in the bid.

**Motion made** by Director Tetreault to accept the bid at \$111,000 and seconded by Vice-President Simon.

Motion carried by the following vote: AYES: 4, NOES: 0, ABSENT: 1 – Director Piepho

**Resident Mary Summer** – A mother of two (2), spends many days at the park, and she thought this was a wonderful idea and wants to say thank you.

1. Placement and Location of "Director Comments" portion of Agenda

*Recommended Action* – As Necessary

**Director Tetreault** – Proposed that the Director Comments be placed at the beginning of the meeting. He also stated that Director Piepho had an issue with the movement of the Director Comments.

**Legal Counsel** – Stated Director Comments are generally not related to the Agenda items, they are announcements, reports on training, or meetings attended.

**President Graves** – Stated that the Director Comments stay "as is" until the newly elected Board Members are chosen.

3. Lease agreement between T-Mobile West Corporation and the Town of Discovery Bay, a Community Services District, for the placement of a cellular antenna to be located at the Newport Lift Station, adjacent to Slifer Park.

*Recommended Action* – Approve lease agreement between T-Mobile West Corporation and the Town of Discovery Bay, a Community Service District, for the placement of a cellular antenna to be located at the Newport Lift Station, adjacent to Slifer Park and authorize the President of the Board to execute all associated lease documents.

**General Manager Howard** – Stated that payments of \$2,000 per month at a fixed rate for the first five (5) years, increasing at 15% for each (5) five year term has been renegotiated and the new agreement is \$2,000 per month with a 4% increase annually. The first five (5) year term represents approximately a \$9,000 increase of what the original terms were. Some other legal terms that Counsel would like to see in the lease agreement are regarding the Possessory Interest Tax. General Manager Howard would like the Board to move forward with the lease agreement tonight with the revisions stated. In addition, have the President authorize the terms of the lease agreement and if there are any other substantial changes, staff can come back at that time and make those changes.

**Director Dawson** – Stated that his only concern was the five (5) year term and the rate of the increase.

**Director Tetreault** – Asked if there are any height issues?

**General Manager Howard** – Stated that the height was originally going to be 75 feet and will now be 70 feet. The reason why is one, because of the data that needs goes through, and two the FCC that regulates the pole can allow other Co-Locators on the same pole. Also, the distance between the Co-Locators needs to be 10 feet apart which will eliminate another pole.

**President Graves** – Asked when the contract become effective and what will the revenue be?

**General Manager Howard** – Stated that we will enter into a one (1) year lease agreement, which may not take that long, and the revenue will begin once building permits are pulled.

**The Board** – Would like to have the final version of the Lease Agreement brought back to the Board due to some of the concerns the Board has.

**Resident Walter Mac Vittie** – Asked about the Co-Locator of the project and if that is a requirement?

**General Manager Howard** – Stated that it is a requirement of the County and FCC.

**Resident Mankin** – Asked when the revenues come in, will it be a fund that will go towards the Community Center?

**President Graves** – Stated that the Board has just been presented with the lease and there is discussion that needs to take place to make a decision on what the revenue will be used for. There are needs for the revenue to be used, which may be outside the limitations of the Board.

**F. COMMITTEE/LIAISON REPORTS**

**1. Trans-Plan Report**

**Duane Steele Contra Costa Planning Commissioner** – Stated that proposed Vehicle Registration Fee, Measure O that will be coming up. The Contra Costa Transportation Committee has approved the placement on the November Ballot, which will add a \$10.00 cost in registering a vehicle. The revenue will be used for the roads, public transit, and pedestrian routes. The Metropolitan Transit Commission said that we have a \$500 million shortfall on the payment maintenance and rehabilitation projects. He states that within the next 25 years it is estimated that the \$10 fee will actually generate \$8.5 million annually to help the County improve roads and he encouraged residents to vote on this Measure to take care of our infrastructure.

**President Graves** – Asked if the funds will be used for those purposes you have stated and will not go into the general fund?

**Duane Steele Contra Costa Planning Commissioner** – Things are worked out with the collection process of the DMV and where the money should go, although he can not guarantee the money will be used for those purposes. Other items that specifically affect us here is an Amendment to the Residential 2<sup>nd</sup> Unit Ordinance and those that would like a copy of that it is Chapter 82-24 and 84-74, which is the Kensington Combining District Ordinance. The amendment is being reviewed by the Planning Commission and the hearing is November 9, 2010 and will continue discussing this item. The October 12, 2010 meeting has been cancelled.

**2. County Planning Commission Report – No Report**

**3. Code Enforcement Report – No Report**

**4. Special Districts Report\*\* - No Report**

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

**G. DIRECTORS' COMMENTS**

**Vice-President Simon** – Stated that he met with Landscape Manager Perez and discussed landscaping, Ravenswood Spray Park, and Basketball Courts. One thing that was discussed was that the use of the Website for ongoing projects and that it would be beneficial to have those projects available to the public.

**Director Dawson** – Stated that he, Director Piepho, and President Graves attended the Joint MAC meeting in Bay Point. There was a presentation on health food vendors. Director Piepho presented the MAC Report. There were updates on accounting on the Vasco Road construction and then the meeting was adjourned. He also attended the Egeria Densa Meeting and has all of the documentation if anyone is interested. Nothing will be done with the Egeria Densa until May which is due to the permitting process. The amount of the project is approximately \$1 million, however, the Department of Boating and Waterways does not have a budget and the cost is still up in the air. The chemical is Fluridone and it takes approximately 8 weeks to clear.

**Vice-President Simon** – Stated the good news is that the Egeria Densa can not live in water that is below 65 degrees.

**Resident Richardson** – Asked for a copy of the Egeria Densa document.

**General Manager Howard** – Stated that the document will be posted to the website.

**H. GENERAL MANAGER'S REPORT**

**1. Veolia August Monthly Report**

**Gerald Smart** – Discussed the Veolia Report

**August report** – An item that they have been working on is flushing the water lines, also they have only had (2) two calls in the last (2) two weeks. Veolia is working with Trojan Representatives on the Ultra Violet Disinfection Project, which is an upgrade to the existing 3000 system. Air Relief Valves (ARV's) – (1) One was vandalized, and another failed, (11) eleven other valves were flushed. There are (4) four valves on Highway 4 that will have to be replaced due to being broken on the bottom.

**Vice-President Simon** – Asked about the (4) four Valves on Highway and when they are going to be replaced.

**Water and Waste Water Manager Koehne** – Stated that a Contractor will be hired and the parts will need to be ordered, which will bring the project to completion within approximately 30 days.

**Vice-President Simon** – Asked about Staff turnover.

**Gerald Smart** - Stated that the turnover rate may be due to the job not being what the person expected. In each case the training time has been a significant setback.

**President Graves** – Asked how many ARV's we have in our system and if they can be inspected?

**Gerald Smart** – Stated that there are (23) twenty-three ARV's that were listed and inspected by JW during a cleanout that was performed

**Water and Waste Water Manager Koehne** – Stated that ARV's can be inspected once the man holes are opened and some ARV's are already exposed.

**Water and Waste Water Manager Koehne** – Discussed the two new Moles - Tick and Track, and that the sensors have been streamlined and the Moles are currently in service.

He also stated that there are a couple of items that staff is working on, due to petitions from Metropolitan Water and West Lake Irrigation District. The State has reopened the permit, NPDES, to be reviewed at the State Regional Board's Meeting on December 8, 9, and 10 to be approved. He received a call today and it is possible that the permit might be pulled from the State Board's Agenda and we will then use the existing permit.

**General Manager Howard** – Stated that the permit will be brought back for review at a future Board Meeting for a summary of what is taking place.

**I. LEGAL COUNSEL REPORT**

None

**J. CORRESPONDENCE – Discussion and Possible Action**

None

**K. PUBLIC RECORD REQUESTS RECEIVED**

No requests received since last published Regular Meeting Agenda

**L. FUTURE AGENDA ITEMS**

**General Manager Howard** – Stated that the Director Comments item will be carried over as a future item.

**M. ADJOURNMENT**

1. The meeting adjourned at 9:04 to next regular meeting on October 20, 2010 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

cmc – 10.11.10