



TOWN OF DISCOVERY BAY CSD

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Board Members

President-Ray Tetreault	raytetreault@comcast.net
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Director-David Piepho	DApiepho@sbcglobal.net
Director-Shannon Murphy-Teixeira	smt@politician.com

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

April 15, 2009

1800 Willow Lake Road, Discovery Bay, California

Website address: www.townofdiscoverybay.org

REGULAR MEETING at 7:00p.m.

A. ROLL CALL

President Tetreault called the meeting to order at 7:00 p.m. He then led in the Pledge of Allegiance. General Manager Koehne called roll and all directors were present.

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

There was no public comment

C. CONSENT CALENDAR

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

D. CHAIR REPORT

President Tetreault reported that at the May 6, 2009 meeting there will be an update from the County regarding the Community Center. He asked that General Manager Koehne send a letter to the Supervisor's office to set up a meeting with the MAC Committee at her earliest convenience. He also asked that if a director is assigned as primary to attend meetings and that they are unable to attend that they would call the secondary person assigned to attend to be sure there is someone going to the meeting so he does not need to cover meetings he is not assigned to.

E. DIRECTORS' COMMENTS

Director Murphy-Teixeira commented that she had seen Superintendent Eric Prater and he had told her that he would be letting her know when the next meeting would be regarding Slifer Park and Timber Point School's field possibly merging into one field. She stated the School District is still moving forward on this item.

Director Piepho reported that he and President Tetreault had attended a Joint Mac meeting. He reported that there had been a report from the County about the 4-H and the agriculture relationship. He reported that Community Development had given a report about what they do and that they have an office in East County. He stated that there was a report on the Community Warning System. He stated that the County Disaster

plan is not complete at this time. He stated that there was also an update on the East County Fire Protection. Director Piepho reported that he had been unable to attend the LAFCo MSR (Municipal Service Review) meeting. He stated that the MSR's are on the LAFCo website and that anyone can go on and look at it. He stated that the next meeting would be at the Supervisor's chambers in Martinez on April 22nd at 9:00 am.

Vice-President Simon -- no comment.

Treasurer Dove -- no comment.

**President Tetreault reopened Public Comment for the Fire Department Representative to give his report.

Battalion Chief Burris gave his report. President Tetreault asked him the number of persons that should respond to a structure fire in the first ten minutes. He responded that industry standard is to have 15 to 18 persons. He reported that the station in Discovery Bay Proper had 0 auto accidents, 20 medical aids, 4 structure fires, 0 police assists, 2 fire alarms, 0 grass fires and 0 smoke investigations. He reported that Station 59, Discovery Bay Common on Bixler, had 3 auto accidents, 17 medicals, 2 structure fires, 1 police assist, 3 fire alarms, 2 grass fires, 1 smoke investigation, 1 exterior fire, 6 move up for covers, and 3 public assist calls.

President Tetreault closed Public Comment.

F. GENERAL MANAGER REPORT

1. Quarterly Update on Veolia Water General Manager Koehne introduced Veolia's Vice-President Jim Good. Mr. Good introduced Gerald Smart as the new Plant Manager for Discovery Bay and gave a brief overview of his history with the business and industry. General Manager Koehne reported that he feels that Veolia is doing a decent job and that they meet daily. He reported that they had been meeting weekly with President Tetreault and Director Dove to go over the things that need to be worked on and that those meetings have now gone to bi-weekly. He reported that they have been working on a lot of agency's quarterly reports. He reported that Veolia has a lot of specialists available to bring in to work on special projects and that it has been a help and cost effective to have these specialists available for our facility at different times. He passed out Veolia's Monthly Operation Report. President Tetreault asked about a letter the town had received from the Regional Water Board which stated that on the last spill that occurred in the Lakes by the bridge that the 5-day report had been a little late and that there had been various amounts reported. General Manager Koehne responded that the various amount were because you have to report within a certain initial time so that amount is a guesstimate. Then you report after, in the 5-day report, when you have had time to calculate. He commented that they will respond to that item in the May 6th letter that is due to the Regional Water Board. Gerald Smart, of Veolia, responded to the lateness of the report. He commented that he came to Discovery Bay after the report had been filed so he would be stating what he had been able to find out about the lateness of the report. He stated that the previous project manager made the report of the spill in the first couple of hours, but was only able to reach answering machines of Oscar Biondi and his supervisor Wendy Wyles, so he left messages. He stated that the previous project manager put together the report and then called Oscar Biondi on the day that his machine had said he was to return and was told that he was two days late at that time. He stated that the previous project manager had responded that he had not seen that there was a 5-day reporting requirement in the NPDES permit. He stated that Mr. Biondi responded that it was in the WDR and the previous plant manager told Mr. Biondi that he did not have that, so Mr. Biondi forwarded it to him and the report was submitted but was two days late. There was discussion about the issue and importance of the 5 day reporting.

2 Status of Large Water User Program General Manager Koehne reported that there are currently about 80 users on the Large Water User program and that there are about 20-25 more to be converted over to the program. He stated that staff will recommend that a consultant be hired to help complete this project because the board has asked that it be done soon and staff's time is limited to work on this. He stated that when he gets a completion date he will bring it back to the board. He reported that there had been approximately 30 students at the Wetlands project the previous week. He reported that there are approximately 1400 homes on the Water Meter Program for residential. He reported that since April 2008 to the present there had been a reduction in water usage is about 21 million gallons in the area of the new water meter program. He passed out pictures of the modification of the sewer clean-out which is designed to prevent them from breaking loose. He stated that they have done about 9 and have about 12 more to do. He reported that there had been

a couple of minor leaks and one large leak behind the Discovery Bay Shopping center that was the fire main for the sprinkler system; which had taken out the water main above it. He reported that there had been repairs on sprinkler heads in the landscaping; that he is looking into the Solar Proposals for the Wastewater plant, and that there is a revenue study in progress that he will bring to the board sometime in May. He reported that there is engineering work going on for Well #6. He reported that the project with Brentwood for their Bio-Solids started today. He reported that tomorrow they would be starting Well #5. Director Dove asked about the plastic showing on Clipper Drive. General Manager Koehne responded that there was a work order out for having mulch put on the area and that it should be done in a couple of weeks and that this is a temporary measure until the levees are released to plant on. Vice-President Simon asked about the progress of the large user billing. General Manager Koehne responded that it was currently in the process of being completed.

G. REQUEST FOR BOARD CONSIDERATION

1. Discuss and Approve Adding Additional Communications for SCADA System (Koehne) General Manager Koehne explained this item was one of the suggestions of the Lakeshore Sewage Spill Ad-Hoc committee regarding additional back-up for the Scada System. He explained how this additional equipment, Mission RTU, would notify the Veolia staff through the cellular system. Director Piepho motioned to approve the item not-to-exceed \$5,500.00. Treasurer Dove 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

2. Discuss and Approve CRWQAB Administrative Civil Liability Complaint R5-2009-0525 for Assessment Of Mandatory Minimum Penalties of \$54,000 (Koehne) General Manager Koehne explained to the board that this item was received in February 2009 and that staff had responded to the CRWQAB regarding some errors that they had found and all of the fines for 2004 up to 2008 had been eliminated. He stated that the CRWQCB also found more violations in 2008 totaling the current amount. He stated that he felt the violations that they had found were operator errors on the part of Southwest Water and that staff intends to ask them to reimburse these costs. Legal Counsel added that because of the previous contract Southwest Water has the right to challenge the fines. He further stated that General Manager Koehne has communicated with Southwest Water but does not have a response at this time. He recommends that if the board chooses to pay the fine that it not be paid until there is a response from Southwest Water. Either they will not be contesting the fine or, if they do contest it, they pay the money up front because there is a deadline of the April 29th. Director Piepho brought up the issue that our District Engineer had stated that he felt that the District was being fined incorrectly and asked that this fine be reviewed by the District Engineer. Director Piepho motioned to approve paying the fine but not until we get a response from Southwest Water with the caveat that if we do not get a response from the vendor, we do pay the fine by the deadline and notice the vendor that we are paying the fines due to possible incurred increased fines. Vice-President Simon 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

3. Discuss and Possible Action on A-Frame Signs for District Meetings (Simon) Director Simon stated that he had talked with the county special events department. They had asked if the signs would be blocking traffic or be anchored permanently, to which he responded they would not. He stated that the county told him that the only way the county would come after the Town would be if they received a written complaint from someone about the signs. He stated that he was told that the process to have the signs removed would be several letters prior to actual removal of the signs and that there would be several businesses that would need to be processed before that. Director Piepho stated that the signs would be illegal and that he had an email from the head of the County Department of Conservation and Development and that Code Enforcement is cracking down on this issue. No Action was taken. An audience member stated that the Brentwood Press would give us a discount to run an ad noticing the meetings. Walter MacVittie brought up the permanent sign that could be used for emergencies as well as noticing the meetings. Director Piepho commented that as the Community Center comes closer they could have the permanent sign there.

4. Discuss and Possible Action on Having Legal Staff at Board Meetings, Once Per Month (Tetreault) President Tetreault brought this issue to the board and commented that when he had been on the board before they had only had legal counsel in attendance once a month. He stated that they could have any items that would require legal counsel placed on one meeting for the month. Treasurer Dove motioned to have legal staff at the first meeting of the month and that items for legal advice are held for those meetings. Vice-

President Simon 2nd the motion. Director Piepho commented that he would not recommend this because the District has grown and there have been issues at almost every meeting that requires the input of counsel. He commented that with having legal counsel attend the meetings, legal counsel will also understand what is going on during those meetings and that will alleviate the need for extra communication to handle situations. He stated that if the board wishes to cut costs they could cut the meetings to one meeting per month, but that he feels that having legal counsel attend the meetings is like having insurance. Director Murphy-Teixeira commented that she feels they rely on legal counsel at almost every meeting and that when counsel was not attending regularly some items were held up because of need of advice from counsel. The motion failed. (2 ayes, 3 nos, 0 abstain)

5. Discuss and Possible Action to have Legal Staff Charge for Meetings, either by Flat Fee or Hourly Rate (Tetreault) President Tetreault asked legal counsel if it would be possible to have a flat fee instead of an hourly fee. Legal Counsel responded that it was within the board powers to request this but that he would not negotiate a rate and he feels it is a conflict of interest but that if the board wishes to go this direction that they could negotiate with his counsel. Director Piepho motioned that the board authorize the president to meet with legal counsel's legal counsel to negotiate a flat fee for meetings going forward. Treasurer Dove 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

6. Discuss and Possible Action to Purchase one Backup Pump for Lift Station S (Koehne) General Manager Koehne explained to the board that this Lift Station only has two pumps and that most of the newer Lift Stations are built with three pumps so that one can be a back-up. He also commented that the location of this Lift Station makes it almost impossible to lay a hose to a manhole to let it drain by gravity flow back to the sewer plant or the next Lift Station. Veolia's plant manager commented that he feels that this would be a good purchase. Vice-President Simon motioned that the District purchase one back-up pump for Lift Station S not-to-exceed \$13,000.00. Director Piepho 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

7. Discuss and Possible Action to Have Safety Lights Installed on Vac-Truck (Koehne) General Manager Koehne commented that when the Vac Truck is being used it is usually in the middle of the street and that there needs to be additional safety lights. Vice-President Simon asked about the lights and the cost of the lights. Vice-President Simon asked that General Manager Koehne contact Gary at Best Equipment in Oakland. Vice-President Simon motioned that staff contact Best Equipment in Oakland California to get a bid on installing lights on the new Vac Truck and bring it back to the next meeting. Director Piepho 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

8. Discuss and Possible Action on Making Improvements to Web-Site General Manager Koehne asked for the board to give him some direction what the board would like as improvements on the website. Director Piepho asked that the webmasters come to a meeting and make a presentation of what is possible. President Tetreault commented that he would like to see Lucy Company, and some other companies that do municipal websites come in to make a presentation. Treasurer Dove commented that the site needs to be easy for staff to work with. An audience member who has been in the software industry for years commented that the board needs to know what they want before someone comes in, and also that there could be a liability issue if there was only one sign in front of the Community Center since Discovery Bay is more spread out than it used to be and that it would not notify the people in Centex, for example. An audience member commented that there were some sites that you can go to find webmasters and get quotes. He stated that there are some that you can get to set up the sites and then the staff could maintain the site because it is designed to be very user friendly. President Tetreault directed staff and the directors to look at some municipal sites to see if there are things that they would like to see on the website. He also asked that staff get some vendors out to give presentations. He also asked that staff look at the Vendorseek.com. The audience member commented that you can look at the bottom of the municipal sites and they sometimes have their webmaster listed. Director Piepho commented that he would like to see some presentations to help them decide what they are looking for.

9. Discuss and Possible Action on Making Security Improvements (Koehne) General Manager Koehne presented this item to the board. He commented that there were several things that staff had chosen that could be done. He commented that one would be to raise the back fence to 8 feet and fill it in with slats. He also suggested either an alarm system and/or a video camera system. He also stated that staff would like to have a safe deposit box for important papers. Vice-President Simon made a motion that the district installs an alarm and contract for a safe deposit box at our local bank. Director Piepho 2nd the motion. The motion

passed. (5 ayes, 0 nos, 0 abstain)

10. Discuss and Possible Action to Reconsider Makeup of MAC Ad-Hoc Committee (Tetreault)
President Tetreault commented that after thinking about the makeup of this committee he thought that it would be better to have himself and Treasurer Dove since he is the treasurer and this is a financial issue. Director Piepho made a motion to change the members of the committee to President Tetreault and Treasurer Dove. Vice-President Simon 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

H. LEGAL COUNSEL REPORT

No report.

I. CORRESPONDENCE -- (Possible Action or Discussion)

1. R – Letter from Assembly member Joan Buchanan re: Ca. Dept. of Boating & Waterways – April 06, 2009
2. R – Letter from Supervisor Piepho re: Vasco Road Safety Improvements – April 2, 2009
3. R - Letter from Supervisor Piepho re: Traffic Resolutions – Knightsen Area – April 2, 2009
4. R - Document from Contra Costa Health Services on Tuberculosis Report for County – March 24th
5. R – Letter from Supervisor Piepho to Governor Schwarzenegger re: Ca. Of Boating & Waterways – March 30, 2009

J. FUTURE AGENDA ITEMS

President Tetreault commented that there will be presentation by the County on the Community Center. He commented that Item #7 would be coming back to the board. They commented that they would like to have the presentation by Treasurer Dove on The Fat Trapper. President Tetreault commented that he would like to see some action on the Landscaping Projects. General Manager Koehne responded that there are several projects in the works such as the Willow Lake Project but it has to wait for the county to do the road in front of it before we can start. Treasurer Dove asked for a report on the audits. Vice-President Simon asked for a report on the major water users. President Tetreault clarified that the item about large water users needs to be an action and discussion item.

K. ADJOURNMENT

The meeting was adjourned at 8:45 pm to next regular meeting of May 06, 2009.

Lh 4/29/09