



TOWN OF DISCOVERY BAY CSD

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Board Members

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Director-Shannon Murphy-Teixeira	smt@politician.com

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

Wednesday, September 2, 2009

1800 Willow Lake Road, Discovery Bay, California

Website address: www.townofdiscoverybay.org

SPECIAL MEETING at 5:30P.M.

A. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL

Potential Litigation Government Code §54956.9(b)

5 Potential Cases

B. Return to open session; report on closed session

REGULAR MEETING at 7:00p.m.

A. ROLL CALL

President Tetreault called the meeting to order at 7:18p.m. He then led in the Pledge of Allegiance. General Manager Koehne called roll, all directors were present.

Legal Counsel reported on closed session. He stated that all directors were present throughout the closed session and that there was no reportable action taken.

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

John Michael commented about the utilities and asked why we don't have a green waste can in Discovery Bay. He also commented about his first water bill and that he finds the water cost to be twice as high as it was when he was paying on the taxes. He also commented that he felt it was unfair that he was paying for water by usage when the other portion of Discovery Bay was paying a flat rate on their taxes. Five young men commented about the fact that they are not allowed to hang out at Regatta Park anymore because there was an incident with some youth and now the sheriffs will not let any of them hang out there. They also commented that they would like to have a basketball court to give them something to do so they will not be just hanging out and that they would help with it and take care of it. A mother from the area of Regatta Park also spoke about the boys needing something to do and would appreciate a basketball court for the boys. A resident of Discovery Bay that walks all the parks commented that he has seen these boys and vouches for them and would like to see them get a basketball court.

C. AREA AGENCIES REPORTS / PRESENTATION

- 1. DEPUTY SHERIFF /MARINE PATROL REPORT** Sheriff Rupf came to thank the board and Lt. Burton for his contribution in getting the new office put together in Discovery Bay. Lt. Burton also

thanked the board and community for attending the opening of the new office. He then passed out the report for the month and went over it. The report is on file at the district office. There was discussion about a rope swing on a tree on the edge of Kellogg Creek. It has been brought to the attention of the property owner and the Sheriff will be working on it. Director Piepho stated he would follow up on this also. There was discussion about the kids being kicked out of Regatta Park. Lt. Burton stated he would like to meet with the kids and discuss how they can work this out.

2. **CHP REPORT** No one in attendance.
3. **FIRE DISTRICT REPORT** Battalion Chief Burris made the report for the month. He reported on the calls for the month. Station 58, in Discovery Bay Proper, had 20 medicals, 1 appliance fire, 3 grass fires, 1 fire alarm, 3 auto accidents, and 1 boat and dock fire. Station 59, on Bixler Road, had 11 medicals, 1 minor rescue, 2 hazardous conditions, 1 public assist, 1 move-up, 1 structure fire, 4 grass fires, 2 smoke investigations, 1 exterior fire and 5 auto accidents. He commented that if you have an emergency call 911. Do not go to the fire station, they might not be there; they may be on a call somewhere else. He commented that it is the end of summer so change smoke detectors, and light bulbs in numerical signs on houses, don't put hot ashes in your garbage can and if you are staining your deck do not put the rags from staining in your garbage can as the linseed oil might ignite.
4. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** Karyn Cornell reported that the Public Works Department is in the process of designing the Balfour shoulder widening project and it is about 65 percent complete and should be started in summer 2011. The division project manager is John Pulliam and his number is 925/313-2165. She reported about the FEMA flood insurance rate map for Contra Costa County. She reported that the Public Works Department is working to get the few homes in Discovery Bay that have been put on the flood plain removed since they feel they have been put on there in error. She reported that they are working on this with Reclamation District 800 since they have had all the levees in Discovery Bay certified. She supplied a handout for any residents that want to follow-up on this issue. Rich Lyerly is the contact person on this at 925/313-2348. She reported that Highway 4 Bypass will be closed on August 31st to September 18th from Balfour Road to Marsh Creek Road, from 9:00a.m. to 5:00p.m. on weekdays to complete the asphalt overlay. She reported on various committee positions available. She reported on the 2 Delta Gates Project that Supervisor Piepho has sent a letter to Congressman McNeerney asking him to host a meeting with the Federal Bureau of Reclamation and the constituents in her office to discuss the concerns. She commented that Assemblywoman Buchanan's office has contacted them and asked to be involved as well. She reported that Supervisor Piepho is continuing to advocate for the Delta in Contra Costa County. She reported that it is not looking to promising and that the Governor seems to bypass the Tri-Delta counties and their wishes. She reported that the Willow Lake Sidewalk project is complete and that it was paid for by the "Safe Routes to School" program. She reported that the East County Trail Master Plan is complete and there is a map that can be viewed on line at www.cccounty.us/ecctrail. She reported that they have installed two road signs to highlight agriculture in East County as a test pilot. She reported that on September 5th from 9 am to 2 pm there will be a free E-Waste event at the Mt. Diablo Recycling Center located on Loveridge Road. Director Piepho asked that all this information be put on a handout for the audience in the future. Jeff Barber asked if the county was prepared to litigate the 2 Gate Project, and commented that the sidewalk has a large gap of dirt on the end across from the kindergarten classrooms. Karyn responded that she could check into the litigation issue and that the sidewalk project that was proposed was complete but the she would bring this to the Supervisor's attention.

D. DISTRICT FINANCIAL REPORT

Treasurer Dove commented that a lot of our income at this time is from the water meter program. He commented that the majority of water bills are averaging similar to or even less than what was being paid on the tax roll. He reported that the tax income will probably be coming in around November. He commented that there is still an audit to be completed which should be done in about 3 or 4 weeks. The next audit will be our current audit.

E. CONSENT CALENDAR

Director Piepho motioned to approve the Consent Calendar. Vice-President Simon 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain) Don Flint commented that he felt that there should be an amendment to the minutes regarding his comments; he gave his suggested written amendment to the board.

F. NEW BUSINESS FOR BOARD CONSIDERATION

1. **Presentation on Central Valley Salinity Coalition or CV-Salts by Daniel Cozad (Koehne)** General Manager Koehne introduced Daniel Cozad to the board and audience. Mr. Cozad made a presentation about the Central Valley Salinity Coalition or CV-Salts. His presentation is on file at the District office. Director Piepho commented that it seems the district is being forced into this and he asked if this is really going to make a difference. Mr. Cozad commented that he had managed a Joint Powers Agreement that had put together a salinity program to help their area and that program had helped those agencies in their area deal with the salinity requirements. He stated it is an investment in not having to litigate, not having rules that you cannot live by and having to raise rates further in the future. Treasurer Dove asked who sat on the Executive counsel. Mr. Cozad went over the slide that presented the Executive board. Director Murphy-Teixeira asked if the board were to contribute \$25,000.00 or more they can have a seat on the board. Mr. Cozad explained that the major contributors are mostly entities that need to have more of a vested interest because they will have to pay the most when the State enforces the new rulings. Director Murphy-Teixeira asked if they could contribute less than the \$10,000.00. He also explained that there needs to be enough money to get the work done. Director Piepho asked if this really makes any difference if the Peripheral Canal goes through. Mr. Cozad explained that this program will not change the political decisions but that whatever is decided the salinity rules will still need to be worked on. Walter McVittie commented also about the issue of the Salinity being affected by the Peripheral Canal more than anything else. Another resident commented about the Peripheral Canal and this coalition. Jeff Barber commented that he thinks the board should go forward with joining the coalition, that they need to be more proactive about this issue. Mr. Finetti asked how long has this organization been around and what would be the return on the investment. Mr. Cozad responded that the organization has been around for approximately a year and that the return would be in highlighting the problems and then taking them as opportunities to the Federal and State agencies. There was a question about the percentage that the district's investment would be. Mr. Cozad explained how the contributions were calculated, based on size of district for example, and he stated that they are looking for matching funds from the State. Brian Dawson asked that Director Dove's question about who is in the Executive committee be answered in more detail. Mr. Cozad listed the members which are listed on the website. Mr. Cozad commented that he had brought flyers with information.
2. **Discuss and Possible Action on Becoming a Member of Central Valley Salinity Coalition (Koehne)** Director Piepho motioned to approved becoming a member of the Central Valley Salinity Coalition. Treasurer Dove 2nd the motion. The board discussed further that the State has already put this in our new permit. The motion passed. (5 ayes, 0 nos, 0 abstain)
3. **Discuss and Possible Action on District Web Site (Murphy-Teixeira)** Director Murphy-Teixeira reminded the board and audience that the previous meeting she and Brian Dawson had given them five website packets and asked that they take a look at the packets and go to the websites to see which ones they liked best. She asked for the results of this request. The board asked for her opinion. She responded that she had checked out all the websites herself and found that NIA had been the best prepared and liked the way their product looked. Director Dove stated that he found that all the websites were good and could go with any of the companies; he liked NIA but thought the cost could come down. He also commented that he had gone to Mountain House's website and found it to have some features that we could use such as the online billing for the utilities since we are processing the payments ourselves now. Vice-President Simon commented that he was not computer literate and so all the sites were fine, he was concerned with the costs. President Tetreault commented that the one for \$7,000.00, Noble, was fine and could do the job but might need a little tweaking. Director Piepho commented that he liked all the websites; they all offered a different product. He commented that he

liked the product offered by NIA because they are in house, user friendly and, regarding the cost, it is an investment for several years. Brian Dawson commented that Noble would not come out and work with the staff and that their way of entering data is more difficult for the staff and that he had heard from the staff that they want the site to be the most user friendly possible. He commented that NIA will be taking new photos not using the current stock photos and that their way of being able to add information to the site is very easy for the staff. A resident commented that there will always be updates needed. Jeff Barber asked about the Request for Proposal (RFP) and how it was written. He stated that he felt that the board was also bias toward NIA because of political affiliations. Director Murphy-Teixeira commented that she had no affiliation with the owners of NIA and had been harder on them than the others because they have attended so many meetings and probably have a better idea of the needs of the district than the others. Vice-President Simon commented that the board are not website designers and asked for the help deciding what they needed and that was what they need from a website designer. There was discussion about the RFP. Tom Newman from one of the websites commented that he had not received the information or the RFP until just a few days before the deadline for proposal. Director Murphy-Teixeira responded that she had emailed Mr. Newman all the information that she had given the others. President Tetreault commented that the website Mr. Newman developed was not what he wanted because it was very similar to what we have now. Jennifer Finetti with NIA Creative explained the process of how they come up with a proposal and that she had had a number of conversations with staff and put it together based on that information. She commented that their site had many features and that it is up-gradable. Director Piepho commented that this was difficult for the board since they are not website designers; they just know what they like. He commented that the board made comments of things they would like and asked the sub-committee to put it together and get quotes. He commented that the cost might be cut a little during the process. He asked if the website could support online billing. NIA responded that they would be able to add online billing. President Tetreault thanked Brian Dawson for his help getting the quotes for this website, he had volunteered his time and it was appreciated. Treasurer Dove motioned to go with NIA and insure that the online billing be part of the package. Vice-President Simon 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)

4. **Discuss and Approve Purchase of a New Generator to Replace Stolen Unit (Koehne)** General Manager Koehne presented this item to the board and explained that the district had received a check from the insurance carrier for the loss of this generator. He explained that because of the new emissions regulations the generators have become more expensive. He presented the quotes to the board and recommended the lowest quote. Director Piepho motioned to approve the bid from United Rentals to purchase a 45 KW generator not-to-exceed \$25,550.00. Vice-President Simon 2nd the motion. Pat Richardson suggested removing the tires. There were comments about a Denver boot. The motion passed. (5 ayes, 0 nos, 0 abstain)
5. **Discuss and Approve First Reading of District Ordinance NO.20 re: Water Meters and Recovery of Costs (Koehne)** The board asked for clarification of the need for this. General Manager Koehne explained that this is to clean up the existing ordinance and does not override any board vote on when meters will be installed. President Tetreault asked then if the board would still vote on when to install the rest of the meters. General Manager Koehne responded that was correct. Vice-President Simon asked that this does not allow for installing the meters earlier than the board approves. Legal counsel explained this is just the procedure for recovery of costs, not for when they are installed. Vice-President Simon made a motion to approve the First Reading of District Ordinance NO.20 re: Water Meters and Recovery of Costs. Director Piepho 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
6. **Discuss and Possible Action on CSDA Committee Participation for year 2010 (Koehne)** General Manager Koehne presented this to the board. No board members were interested in joining the committee.
7. **Discuss and Approve Joint Exercise of Powers Agreement with Contra Costa County re: Landscape District's (Zone 35, 57 & 61)** General Manager Koehne asked to tabled this item. President Tetreault responded that they could table this item. Director Piepho asked if the other parks

we have are Joint Powers. General Manager Koehne responded this was not involving Cornell Park or Ravenswood Park. This is just a way of holding these zones until the county turns them over to the district to allow us to maintain them in the meantime.

8. **Discuss and Possible Action to Purchase an Electronic Document Management Software Package from Incrementum (Koehne)** General Manager Koehne presented this item to the board. He commented that this will help with the time it takes to process public records requests and that this should allow the district to eventually be able to have documents on line. Vice-President Simon asked if this will take staff time to scan all our documents into the system. General Manager Koehne responded that is included in the cost, this company will do the initial scanning of documents. Director Piepho asked if this will have website interface and the time to scan versus copying. General Manager Koehne responded that the intent is to have this be accessible to the website, but they have not worked out the details on that at this time and that it should not take any more time than copying the documents takes now. Director Piepho made a motion to approve not-to-exceed \$15,000.00 for the Electronic Document Management Software Package from Incrementum. Vice-President Simon 2nd the motion. The motion passed. (5 ayes, 0 nos, 0 abstain)
9. **Discuss and Possible Action on Installing GPS like device on Most District Equipment & Vehicles (Koehne)** General Manager Koehne presented this item to the board and asked if the board wanted him to spend staff time to look into security devices for the district equipment. The board responded that staff should look into security devices for the district equipment and bring it back to the board.

G. COMMITTEE/LIAISON REPORTS

1. **Trans-Plan Report** Director Murphy-Teixeira commented that she had not prepared a written report and that she would present one at the next meeting. She had attended the meeting. She commented that she would like to offer this assignment to another board member; she had to wait two hours for the meeting to come out of closed session. Director Piepho commented that he would attend as alternate if she was not able to attend and that he had spoken to them about the delay in the start time of the meeting.
2. **Code Enforcement Report** Director Piepho commented he had attended the meeting on September 1st; he turned in the written report. He reported about the sign issue, he reported that Byron has an issue with a rancher on Byer Rd and illegal dumping, he reported that on Camino Diablo a resident had a bull die in his yard and will not bury it, that he wants it to decompose. He reported that code enforcement is working with the sheriff on boats and RV's in the area. He commented that they have been noticing deterioration in the Centex area because of foreclosures. He reported about the Evans 5 acre Compound on Bixler Road and that they are looking at clearing it out and then demolition it. He reported about a house on Bodega Court that was infested with bats, it has been cleaned out. He reported about a home on Sunset Point, a foreclosure, that PG&E turned the power on but apparently the fixtures and air conditioner are removed so there are live wires. He reported that PG&E will be turning off the power again. He reported that the county has a grant program about neighborhood preservation and weatherization and would like to come out and talk to the community about it. He reported that the Golden Isle abatement is moving forward, they are doing a cost hearing, he thinks next month they will be abating several islands. Vice-President Simon commented about the signs that are coming up around the town. There was discussion about signs on the landscaping property of the district.
3. **Special Districts Report**** No report.

**These meetings are held Quarterly

H. DIRECTORS' COMMENTS

Treasurer Dove commented that the landscape company was supposed to come back and give them a report and has not done that to date. He asked about the grass at Willow Lake and Discovery Bay Boulevard, that it was brown. General Manger Koehne responded he would look into it. Vice-President Simon commented about the agenda and the access to it. He commented that staff could put a few of the full packets in a box on the gate out front and asked that this be put on a future agenda. He

commented about the fact that they are moving forward with landscaping and that they need to move forward on Clipper and put lawn or ice plant all the way along it, he would like this on the next agenda. He commented about the sprinklers being on at 3:00p.m.in the afternoon and 6:00p.m. in the afternoon. General Manager Koehne responded that the clocks are set to run at night mostly but that some of the boxes are older and can only run one station at a time so they cannot finish their whole area in the night or early morning and have to run into the daytime. There was discussion about working on the way the sprinklers run. This was asked to have put on the agenda. He also commented about the basketball courts and getting this on the next agenda to keep it moving.

Director Murphy-Teixeira commented about the Excelsior play that is coming up and that attending will show support to the kids. She commented that she would like to see the kids that came to the meeting form some sort of group and talk to other kids and then come to the board meetings, once a month, and let the board know what the kids are looking for in the community.

Director Piepho commented about attending the Grand Opening of the Sheriff's Annex and that it was very well done. He commented that he will be meeting with Vice-President Dove and that they will be going over the landscaping contract and develop a punch list. He thanked the kids that came up and talked to the board about Regatta Park and a basketball court. He commented that there had been a plan for a basketball court and that at the next meeting when this is brought up that the funding that the county had for this and the plans be brought to the meeting. He commented about Clipper and Discovery Bay Boulevard needing work. He commented that there will be an All-Mac meeting on September 26th in Byron from 9:00a.m. to 12:00 p.m.

President Tetreault commented about the boys coming to talk about a basketball court and not being able to be at Regatta Park. He said he would follow up with the Sheriff to allow them to be at the park. He commented about the comments being made about the minutes. He stated that the board decided in the past not to make verbatim minutes and so the person taking minutes has to make some judgement about what is going to be put in to give the gist of what was in the meeting. He commented that he does not want to go to just what is required, which is the vote only, but he does not want to make it impossible to comply and have a lot of issues about words here and there. He commented that they are trying to do the best they can.

I. GENERAL MANAGER REPORT

General Manager Koehne commented that staff is looking at security and one item is types of door locks and possibly keyless entry, he will bring that back to the board. He reported that the floating dredge has been moved from Plant 1 to Plant 2. He reported there has been some tree trimming done at Regatta Park. He reported that there had been a lot of broken sprinkler heads throughout the landscaping, not just one area. He reported that there will be a seal coat put on the parking lot at Regatta Park.

Vice-President Simon asked if the Willow Lake project had gone out to bid yet. General Manager Koehne responded that it would be going out tomorrow. He commented that they are finishing the specifications and that they should be bringing the bid back to the board by Octobers first meeting.

J. LEGAL COUNSEL REPORT

No report.

K. CORRESPONDENCE – Discussion and Possible Action

No comments.

L. FUTURE AGENDA ITEMS

Vice-President Simon's comments.

Walter MacVittie asked if the board might want to give a more in depth financial report on the meter program revenue.

Bob Mankin asked if the stipend issue is still being worked on.

M. ADJOURNMENT

The meeting was adjourned at 9:56 pm to the next Regular meeting of September 19, 2009.