



TOWN OF DISCOVERY BAY CSD

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Board Members

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

MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
TOWN OF DISCOVERY BAY CSD
Wednesday, September 15, 2010
1800 Willow Lake Road, Discovery Bay, California
Website address: www.todb.ca.gov

REGULAR MEETING at 7:00p.m.

A. ROLL CALL

The meeting was called to order at 7:00p.m. President Graves led the Pledge of Allegiance. Roll call reflected that all Directors were present.

Report on Closed Session: President Graves stated that there is one correction to the Agenda and that item 3 was a cut and paste issue and there was no closed session.

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

None

C. PRESENTATIONS

None

D. CONSENT CALENDAR

1. Minutes previous meeting, Special Meeting of August 25, 2010
2. Minutes previous meeting, Regular Meeting of September 1, 2010
3. District Invoices
Recommended Action - Staff recommends that the Board approve the listed invoices for payment
4. Consideration of Vegetation Agreement between the Town of Discovery Bay CSD and Reclamation 800 District pertaining to landscape of levee's under the jurisdiction of Reclamation District 800
Recommendation Action - Approve and authorize the President of the Board to enter into the attached "Vegetation Encroachment Agreement" with the Reclamation District No. 800
5. Notice of Exemption for Discovery Bay Boulevard / Sand Point Road Landscape Plantings
Recommended Action - Approve and authorize Staff to sign and record the Notice of Exemption (CEQA) for the Discovery Bay Blvd. / Sand Point Road Landscape Planting capital improvement project
6. Orwood Resort and Delta RV and Boat Storage – Direction to Staff
Recommended Action - 1) That the Board ratify the direction given to staff on item G1 at the August 4, 2010 Board meeting; and 2) That the Board ratify the direction given to staff on item G2 at the August 4, 2010 Board meeting
7. Notice of Exemption for Ravenswood's Splash Pad and Pathway Solar Lights
Recommended Action - Approve and authorize Staff to sign and record the Notice of Exemption(s) (CEQA) for the Ravenswood Splash Pad and Solar Light Projects.
8. Consideration of contract approval for design services pertaining to the playground replacement project at Cornell Park
Recommended Action - Approve and authorize the General Manager to contract for design services

between the Town of Discovery Bay CSD and Gates & Associates in the amount of \$13,365, plus reimbursables, for the Playground replacement project at Cornell Park.

Motion made by Director Simon to approve the consent calendar and seconded by Director Piepho.

Resident Don Flint – Pointed out errors that he thought existed with item six (6) on the consent calendar.

President Graves – Stated that for procedural issues the item is on the agenda, there was a mistake made, there was not a motion or a vote on the item to send a letter and that is why item six (6) is on the consent calendar for this meeting. The comments that were made, at the August 4, 2010 meeting with regard to this issue, were irrelevant to what the County was asking for and that is why the letter says no comment.

Resident Don Flint – Asked for the record if he can comment on that?

President Graves – No

President Graves – Asked if there is any other discussion by the public on the consent calendar?

Resident Walter Mac Vittie – Stated that this is a procedural question and in the future on consent items, are you going to discuss them in the consent calendar, because in the past items were pulled and the item was up for discussion, is this a new procedure?

President Graves – Stated this is not a new procedure. No one asked for that item to be pulled from the consent calendar, we asked if there were any public comment, public made their comments, and the board made their vote.

Resident Walter Mac Vittie – Stated that a person from the public can ask to have an item pulled from the consent calendar.

President Graves – Stated that did not happen tonight.

Resident Don Flint – Stated he would like for the item to be pulled.

President Graves – Asked Legal can the public pull items from the consent calendar?

Legal McGrew – Stated the public has a right to comment on any item and the public had a right to comment. The public cannot force the board to have the item be entered into discussion.

President Graves – Stated that now we are in a procedural issue, since there has been discussion, will the item be voted on within the consent calendar, even though it has not been technically pulled from the consent calendar?

Legal McGrew – Stated that it may be voted on in the consent calendar, or it can be done both ways.

Director Piepho – Called for the vote.

Motion carried by the following vote: AYES: 5, NOES: 0, ABSENT: 0

E. NEW BUSINESS AND ACTION ITEMS

1. Appoint a member of the Board to fill the position of President Pro-Tempore

Recommended Action - Appoint a member of the Board to fill the position of President Pro-Tempore

General Manager Howard – Stated this item was discussed in the Workshop dated August 25, 2010 regarding Board Policies and procedures. One of the items that came up for consideration and discussion is that when the President and Vice-President are absent from a meeting that leaves the remaining three (3) Board members without a successor to chair the meeting. Tonight is an opportunity to appoint a board member to be the President Pro-Tempore.

President Graves – Asked do we need a motion to make the vote?

Legal McGrew – Stated that you do not need to make a motion to make the vote. There are two procedures. One way is to open a nomination, which does not require a second, and the nominations made are then voted on in order. The other procedure is to make a motion to appoint and that motion is then seconded.

Vice-President Simon – Stated that he would like to make the motion, he also stated that the two Board members that have experience as the President are Director Tetreault and Director Piepho. Director Piepho's Fire Department schedule may prevent him from being able to attend meetings. Director Tetreault is retired and is able to attend all meetings.

Motion made by Vice-President Simon to appoint Director Tetreault as the President Pro-Tempore and seconded by Director Dawson. Motion carried by the following vote: AYES: 5, NOES: 0, ABSENT: 0

F. CHAIR REPORT

None

G. DIRECTORS' COMMENTS

Director Dawson – Stated that he attended the Discovery Bay P-6 Zone Citizen Advisory Committee and he turned in his report. A Lakeshore resident shared her frustration with a problem of people running a stop sign and Lt. Burton is looking into the problem. The P-6 Committee members decided that the next meeting would not be held until January 10, 2011. Director Dawson also attended the school board meeting and there is a new resource officer. The officer is noticing that the Anti-Bullying program is reaching out to the kids to make them feel comfortable to come forward with the problem of being bullied. Funding for the program has come from a Grant.

H. GENERAL MANAGER REPORT

General Manager Howard – Stated that he has two (2) items, the first is informational, the RFP for Water and Wastewater services has been distributed and the first tour is scheduled for September 16, 2010 and another tour is scheduled a week from that. The second item is that Fairin has a new town vehicle and would like the Board to take a look at.

President Graves – Stated that he would like a copy of the RFP.

Resident Don Flint – Asked if the RFP could be added to the Website?

General Manager Howard – Stated that yes the RFP can be added.

I. LEGAL COUNSEL REPORT

None

J. CORRESPONDENCE-Discussion and Possible Action

1. R – Letter from Supervisor Mary Piepho to Honorable Ray LaHood regarding the TIGER II grant for the Vasco Road Safety Improvements Project.

K. PUBLIC RECORD REQUESTS RECEIVED

(1) Request from anonymous for a tape of the August 4, 2010 meeting

(1) Request from John Silver – Veolia's Monthly Operations Report for June 2010

Director Dawson – Asked do we take anonymous requests?

General Manager Howard – Stated yes and in the situation listed above the request came from the Website and the email was unidentifiable.

L. FUTURE AGENDA ITEMS

Director Tetreault – Stated that the Agenda item "Directors Comment" placement be added to the agenda

Director Dawson – Stated that he would like a discussion for the internship program to be added to the agenda.

M. ADJOURNMENT

The meeting was adjourned at 7:30 to the next Regular meeting of October 6, 2010 starting at 7:00pm at 1800 Willow Lake Road- Located in back of the Delta Community Presbyterian Church.

cmc – 09.16.10