



TOWN OF DISCOVERY BAY CSD

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Board Members

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Director-Ray Tetreault	raytetreault@comcast.net

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

April 7, 2010

1800 Willow Lake Road, Discovery Bay, California

REGULAR MEETING 7:00 P.M.

A. ROLL CALL

- 1.&2. President Graves called the meeting to order at 7:00pm. He then led the Pledge of Allegiance. General Manager Koehne called roll which reflected that all Directors were present.
3. **Report on closed session of March 30, 2010** – President Graves reported that a motion was made to add Director Tetreault and an appointed employee from CPS to continue negotiations with regards to the General Manager position. The motion passed by a vote of 5 ayes, 0 nos, 0 abstain.
4. **Presentation and Appreciation to Liz Hardy for her years of service as the Recording Secretary** – This item was tabled as Liz Hardy was unable to attend the meeting.
President Graves made a motion to add an Item five (5) under Section C, Area Agencies Reports. There was a scheduling conflict with regards to the East Contra Costa Fire Protection District and there is a report from their meeting that he would like to be presented tonight. Vice-President Simon 2nd the motion. The vote passed with a vote of 5 ayes, 0 nos, 0 abstain.

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

Resident Judy Kier would like to see a report regarding the Community Center as she has only seen one (1) or two (2) reports regarding this project. She thinks that since Director Piepho is the representative that he should report on this more often since he attends the meetings and receives stipends to do so. President Graves clarified that there has not been a meeting for eighteen (18) months and no stipends have been paid for attendance. Resident Jose Cruz would like to see more trash cans in the Discovery Bay West area to help keep the streets clean. Mr. Cruz stated that he was told there would be a park or homes at the empty lot at the corner of Newport Lane and Berkshire. He also stated that he heard something four (4) years ago about a Community Center and would like to know more about that.

C. AREA AGENCIES REPORTS / PRESENTATION

1. **DEPUTY SHERIFF / MARINE PATROL REPORT** – Crime Prevention Specialist Anthony Fontenot provided two (2) handouts. One included a listing of the recent incidents and the other one was a chart comparing the number of crime reports from July 2007 to March 2010 which showed they have consistently gone down during that time frame. Community involvement is encouraged and reporting suspicious activity

has helped the Sheriff's Department with crime prevention.

2. **CHP REPORT** – No Report.
3. **FIRE DISTRICT REPORT** – Battalion Chief Burris reported that the Fire District in our area is a County Agency, which is an umbrella of protection. There are nine (9) stations in the district and no one (1) station is a stand alone entity. They all cover for each other as needed. The Station No. 58 on Discovery Bay Boulevard responded to 29 medical calls, 3 structure fires, 2 brush fires, 5 hazardous conditions, 3 auto accidents, 2 fire alarms, and 2 move-ups, which are when the Discovery Bay station needs to respond to a call outside of Discovery Bay. Station No. 59 on Bixler Road responded to 17 medical calls, 5 auto accidents, 1 commercial structure fire, 2 vegetation fires, 2 exterior fires, 2 structure fires, 1 alarm call and 5 move-ups. If there is an emergency, please call 911 and do not go directly to the fire station for help.
4. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** – Karyn Cornell from Supervisor Piepho's office reported that on the 2010 Census Form, the addresses for 94505 were sent as Byron and not Discovery Bay. Their office has contacted the Census Bureau and they were told that there was a glitch in their system and 94505 will be reported as Discovery Bay and 94514 will be reported as Byron. She also asked that everyone send in their Census so everyone in the community is counted. She also reported that the California Vehicle Code (CVC) was approved for enactment in the Lakeshore community, so the CHP and the Sheriff are now able to enforce the CVC in there. The next joint MAC meeting, is scheduled for May 22, 2010 at a location yet to be determined. The bid for Phase One of the Vasco Road Safety Improvement Project has been awarded to Teichert Construction with a ground breaking reception in May, with the work estimated to begin by the end of May. This is the first formal solid concrete barrier project on Vasco Road. Supervisor Piepho received word from the office of John Osborne that the Newport Pointe Project application is incomplete at this time. Karyn passed out flyers for upcoming Household Hazardous Waste collection events, one of which is in Discovery Bay on June 19, 2010 from 9:00am to 2:00pm at the Discovery Bay Elementary School. Two weeks ago Supervisor Piepho hosted a sidewalk ground breaking and heritage tree designation in the Knightsen community across from the Knightsen Elementary School. The Public Works Department has informed Supervisor Piepho's office that the Transportation Development Act Subcommittee and the California Bicycle Advisory Committee has recommended that the Willow Lake Sidewalk Project be funded in the amount of \$50,000. Final approval is through MTC (Metropolitan Transportation Committee) and Karyn will let the district know once she hears from them. Supervisor Piepho had a meeting today focusing on Delta issues, Two-Gates, transportation needs, and funding for the area. Senator McNerney's office was a great partner in the effort to slow down the Two-Gates Project and advocating for the Delta. Public Works is planning an asphalt rubber top seal surface treatment for the Discovery Bay community this summer.
5. **EAST CONTRA COSTA FIRE PROTECTION DISTRICT** – Representative Chris Finetti reported that the district meetings are held the first Monday of each month at 6:30pm at Oakley City Hall. He stated that due to the budget crisis the district has had to use reserve funds and they will be out of reserve funds the year after next. There is a lot of discussion about funding, including closing stations, consolidating stations, and layoffs. Director Piepho stated that all the departments in Contra Costa County as a whole are having similar budget issues and LAFCo had a recent workshop to address this crisis and there is another workshop tentatively to be held in Martinez in May. Community support and attendance to these meetings was encouraged.

D. DISTRICT FINANCIAL REPORT

General Manager Koehne reported that the district has a balance of \$3.5 million, after \$3 million for reserves and encumbrances. Lighting and Landscape District #8 has \$1.6 million with reserves of \$300,000. Lighting and Landscape District #9 has \$239,000 with reserves of \$218,000.

E. CONSENT CALENDAR

1. Minute(s) previous meeting(s) Special Meetings of January 11, 2010 & March 30, 2010 and Regular Meetings of March 3, 2010 & March 17, 2010
2. Various District Invoices
3. Approve Final Financial Audit for 2007-2008
4. Award Contract for Landscape Design Services for Discovery Bay Boulevard/ Sand Point Road
5. Approve Comment Letter on Newport Pointe Application

Director Tetreault made a motion to accept the Consent Calendar, less Items 1 and 4. Director Piepho 2nd the motion. The motion carried with a vote of 5 ayes, 0 nos, 0 abstain. Directors then began discussion on the two (2) items that were pulled from the Consent Calendar. Vice-President Simon stated that he wanted the minutes for March 3, 2010 changed and wanted to know why they were not changed. President Graves stated that Vice-President Simon was directed by Counsel to convey his concerns to the General Manager which he agreed to do. The General Manager did not hear from Vice-President Simon, so the minutes were not changed. Vice-President Simon thought someone was going to call him to go by and take a look at the changes. Vice-President Simon said that staff should have taken what he said at the March 17, 2010 minutes and put them in the March 3, 2010 minutes. President Graves replied by stating that he should have taken the time to go as directed to by both President Graves and Counsel. Vice-President Simon stated that he will go down and help staff do it. No further discussion. Director Piepho made a motion to accept the minutes of January 11, 2010 and March 30, 2010. Director Tetreault 2nd the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain. Director Tetreault made a motion to accept the minutes of March 17, 2010. Treasurer Dawson 2nd the motion. The motion passed with a vote of 4 ayes, 0 nos, 1 abstain from Director Piepho as he was not in attendance at that meeting. Director Tetreault made a motion to put off approving the March 3, 2010 minutes until the next meeting which would give Director Simon the time to work with staff. Treasurer Dawson 2nd the motion. The motion passed with a vote of 4 ayes, 0 nos, 1 abstain as Director Piepho was not in attendance at that meeting. Director Tetreault began the discussion on Item E-4 by asking about the total amount for the bids. Landscape Manager Fairin Perez answered the question by stating the total amount with Bruce Jett Associates is \$11,295.00. If the district decides to add irrigation, which at this time she's not planning on it, that would add another \$4,800.00. Director Tetreault made a motion to accept Item E-4. Director Piepho 2nd the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.

F. NEW BUSINESS FOR BOARD CONSIDERATION

1. **Discuss Presentation and Possible Action on Update of District's New Web-Site (Koehne)** – Jennifer Finetti from NIA Creative gave a presentation and demonstration of many features available on the new district website. Jennifer will provide access to the Board of Directors and Staff so they can review and provide comments or changes regarding the website to NIA Creative. President Graves would like to put the website discussion on the Agenda for the next meeting. There was a discussion between the Board and the public regarding audio and video capabilities and costs. President Graves directed staff to start the process of getting the cost of equipment needed and the feasibility of stationary cameras, wide angle lenses and all the options for audio and video content that can be put on the website. No other action was taken.
2. **Discuss and Possible Action to Approve Town of Discovery Bay CSD Managed Landscape Maintenance Study for Discovery Bay L&L #9 (Perez)** – Landscape Manager Perez provided a presentation comparing the cost of maintaining a Landscape Contractor for the District #9 Zone to the cost of hiring employees. By her calculations, the district would save money as well as have more control over the look of the landscaping by having the district's own employees doing the maintenance work. Director Tetreault raised concerns about additional costs of benefits in adding additional employees to the district. Director Piepho stated that he would be more comfortable waiting until the new General Manager is hired before adding additional staff. Vice-President Simon stated that he would like to see additional quotes from other contractors before considering this item. Resident Walter MacVittie suggested that if the district does consider hiring a new employee, they look at Industry Standards for that position, and take in to account the managerial impact, replacement if the employee is sick, on vacation, etc. No action was taken.
3. **Approve and Award 3-year Landscape Maintenance Contract (Zone 8)** – Landscape Manager Perez presented the Bids that were submitted by all the Landscape Contractors. She stated that she checked all references and went out to the landscape sites to see the contractors' work. She is very concerned about the differences in the Bid Amounts and feels very uncomfortable that the work can be done to the district's standards at the cost of some of the lower bid prices. President Graves asked Legal Counsel Mike McGrew what action the Board could take in this case. Legal Counsel McGrew stated that under the Community Service District Law, Contracts Code, the district does not have to Bid this type of job. However, since the district did bid this job, it must be awarded to the lowest responsible bidder, which would be defined as having the quality, fitness and capability of performing. If the Board does not award it to the lowest Bidder, then they have to give the lowest Bidder the information as to why they are not awarding them the contract. They can

then come in and have a chance to refute that, like a hearing. Now, in reviewing your Bid Notice, it gives the right to reject any and all bids. General Counsel McGrew then stated that the Board has two (2) options; either to follow through the bid process and award to the lowest responsible bidder, or reject all bids and then negotiate a contract on the basis of taking quotes. President Graves then asked Landscape Manager Perez if she took away the Bid amounts, based on the research and site visits she did on all the companies, what would her first, second, and third choices be. Landscape Manager Perez replied that her three (3) top picks are Altamont, Echo, and Valley Crest. Director Piepho stated that the county had a very bad experience with a low bidder some years ago and it took a long time to get the landscaping looking better. Director Tetreault made a motion to reject all bids and at the discretion of staff, obtain quotes from the contractors of their choice. Vice-President Simon 2nd the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.

4. **Discuss and Possible Action to Approve Cost to Develop Wastewater & Water Master Plans (Koehne)** – General Manager Koehne explained that the Master Plan is an in-depth plan that is good for about ten (10) or more years and addresses the capacity needs for future development. Treasurer Dawson asked if Veolia Water was asked about quoting this plan. Gerald Smart from Veolia Water stated that it is included in one of the long term contract proposals that they are preparing for the district. President Graves asked about the status of the proposals. Gerald Smart expects them to be done soon and will express urgency to Veolia to get them done. Director Tetreault thinks that the Board should wait to see what Veolia provides before making a decision on this item. President Graves stated that he will make calls to Veolia to follow up on submitting their bids to include Master Plans. President Graves also asked if staff could invite HERWIT Engineering to a meeting to give their opinions and advice as well as the companies that provided the proposals so that the Board can ask questions in order to make an informed decision on a new Master Plan. Mark Armstrong of Pantages Bay asked about the relevance of including the properties of the Latter Day Saints and the Private Island Homes when they are going to warrant their own analysis beyond what is currently proposed, so they should not be included in the current Master Plan. The Board discussed keeping the Master Plan within the limits of the current service area and asked staff to get quotes to reflect that. No further action taken at this time.
5. **Discuss and Possible Action to Purchase Two (2) Parkson - Thermo System Moles for Bio-Solids, to Replace two Existing Moles (Koehne)** – General Manager Koehne presented the Board with the offer from Parkson for the purchase of two Moles at a cost of \$39,000 each; the first one to be paid cash and the second one to be paid interest free over twenty-four (24) months. Director Piepho made a motion to purchase both Moles and accept the Vendors offer for the district to pay for the second unit interest free over twenty-four (24) months. Treasurer Dawson 2nd the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.
6. **Discuss and Possible Action on Format of District Board Meeting Minutes (Simon)** – Vice-President Simon stated that the minutes might need to be verbatim. President Graves stated that soon the minutes will be available in audio or video on the website and that will resolve the issue. He suggested that they see how that goes before making any action on this. Vice-President Simon stated that if something major is said, it should be in the minutes. Treasurer Dawson stated that it is subjective. President Graves said he did do some research on the parliamentary recommendations for minutes. He read, "*minutes should record what is done by the board and why, not what is said by the members. It does not have to be a verbatim account of who said what. Personal opinions and details of debates or discussions are not included unless a statement is made 'for the record'.*" President Graves also read that "*the minutes are meant to record the basic information, such as the actions.*" No action taken.
7. **Discuss and Possible Action on Selecting Two (2) LAFCo Special District Representatives (Koehne)** – General Manager Koehne said that LAFCo has a Regular and an Alternate Representative. They are requesting nominations for these two (2) seats. Director Piepho made a motion to send President Graves to cast a vote for Regular Member Dwight Meadows, and Alternate Member George Schmidt. Director Tetreault 2nd the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.
8. **Discuss and Possible Action to Nominate a Candidate for a Seat on the California Rural Water Association Board of Directors (Koehne)** – No action taken.

G. COMMITTEE/LIAISON REPORTS

1. **Trans-Plan Report** – No report.
2. **Code Enforcement Report** – No report.

3. **Special Districts Report**** - No report.

**These meetings are held Quarterly

H. **DIRECTORS' COMMENTS**

No comments.

I. **GENERAL MANAGER'S REPORT**

1. **Monthly Landscape Report** – Landscape Manager Perez gave a presentation showing before and after photos. She had 8 trees replaced; mulching program is 95% complete. Color beds were added at Cornell Park. She has completed a safety inspection at the Cornell playground. The Internet Based clock was installed and it is up and running. She is working on a turf rejuvenation project at Cornell Park. Tree trimming along Highway 4 and Clipper Drive, and Bixler and Point of Timber begins May 3rd. The replanting of sod at the corner of Discovery Bay Blvd and Firwood is planned this month. Other turf renovations are being done. Plantings at the Discovery Bay entrance are done. She is getting quotes on Solar Lighting and the Water Play Feature for Ravenswood Park. Director Piepho asked about the uplights at the Discovery Bay entrance and to please look in to getting those looking better.

General Manager Koehne stated that Discovery Bay is included in an article of the April 2010 issue of National Geographic Magazine. He showed a video that was taken by placing a camera down the inside of Well 1B to show where the screens are plugged with calcium and silt which is affecting the yield on the well. A fire hydrant blew up in Harbor Bay Isle which was fixed and replaced. There was a hit and run accident on Discovery Bay Boulevard over the Easter weekend which damaged some landscaping. There were a few incidents of Graffiti over the Spring Break at Cornell Park which was cleaned up as soon they were reported. There are two (2) projects currently out to bid; the UV Modification Project and the Discovery Point Sewer Replacement Project. About forty (40) University of California, Berkeley students were out to do some testing at the district's Wetlands. Staff is also looking in to outsourcing the Water Billing and the possibility of moving to a bi-monthly or quarterly billing cycle.

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

1. R – Letter from State Water Resources Control Board-Petition-dated March 11, 2010
2. R – Letter from Supervisor Piepho-Board Orders of February 23, 2010 Meeting
3. R – Copy of Board Order from Supervisor Piepho – Appointment of County Planning Commission Representative to the TRANSPLAN Committee dated February 24, 2010

No discussion and no action taken.

K. **PUBLIC RECORD REQUESTS RECEIVED**

No public records request since March 17, 2010 meeting.

L. **FUTURE AGENDA ITEMS**

1. **Community Center Status** – Director Piepho asked that the Community Center update be put on the agenda when there is an update to provide which will be approximately when the Appraisal comes back. He asked General Manager Koehne to let him and President Graves know when the Appraisal is received by staff so that the developer and the county can be here. Director Tetreault wanted to talk about sending a letter to the Fire Station regarding their participation in the Easter Egg Hunt. Treasurer Dawson wants to discuss starting a Discovery Bay Boating Safety Committee and he would also like an update on Regatta Park's Basketball Court plan.

M. **ADJOURNMENT**

The meeting was adjourned at 10:09pm to next regular meeting on April 21, 2010 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

jd – 04.12.10