



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376

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

**August 4, 2010**

1800 Willow Lake Road, Discovery Bay, California

**REGULAR MEETING 7:00 P.M.**

Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

**Board Members**

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

**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.

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

No comments.

**C. AREA AGENCIES REPORTS / PRESENTATION**

1. **DEPUTY SHERIFF /MARINE PATROL REPORT** – Lieutenant Burton handed out the monthly incident report for July. He then went over the incidents with the Board and the Public. Lieutenant Burton stated that the incident of most interest to the public is the shooting on Worthing Court at an unsupervised teenage party. Alcohol was not involved in the incident. People from outside the community were denied entrance to the party and they shot in to the house. Two days prior to that incident, there was a similar incident in Brentwood. There are two (2) suspects in custody for that shooting, however, they are not yet sure if there is a link to the incident that occurred in Discovery Bay

2. **CHP REPORT** – No report.

3. **FIRE DISTRICT REPORT** – Battalion Chief Burris provided copies of the July Incident Summary report for the ECCFPD. He stated that Station No. 58 responded to twenty-three (23) calls, however, that was for half of the month as that station was closed on Friday, July 16<sup>th</sup>. Station No. 59 responded to sixty (60) calls for the full month, thirty-four (34) of which were Medical Assist calls. There was a fatal accident on Byron Highway.

4. **CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION AND DEVELOPMENT REPORT** – No report

5. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** – Karyn Cornell from Supervisor Piepho's office reported that Board of Supervisors approved the Keller Canyon allocation fund for 2010/2011 and the Town of Discovery Bay CSD, for their advisory functions, received \$2,000.00. Effective August 6<sup>th</sup>, the East Contra Costa Building Inspection Office will be closed on Fridays due to budget issues and a downturn in permit requests. On June 23<sup>rd</sup> the Willow Lake Sidewalk Gap Closure Project received funding from the Metropolitan Transportation Commission in the amount of \$50,000.00 which will finish the sidewalk with a tentative schedule beginning work in September and possible construction to be done during a school break. Supervisor Piepho had a meeting with CSD Board President Kevin Graves and ECCFPD Director Chris Finetti to talk about the fire district issues. Supervisor Piepho also attended the recent Discovery Bay Property

**G. NEW BUSINESS AND ACTION ITEMS**

**1. Discuss and Comment on Land Use Permit Application for Orwood Resort re: RV Park (Howard)** – General Manager Howard gave an overview of the Land Use Permit Application and stated that at this time the County is requesting comments from the Board. He also added that the applicant is present at the meeting and prepared to address the Board. President Graves invited applicant John Caprio to approach the podium for questions. President Graves then asked about the current set up and the proposed changes and asked how the resort handles their wastewater. Mr. Caprio explained that they have their own evaporation pond system and they do not discharge in to the Delta. He also stated that it is permitted through the State of California. Vice-President Simon stated that he thinks that Orwood is one of the better managed resort areas and he is confident that they will continue to do so. The Board agreed to support the project and President Graves directed staff to write a letter of support and send it to the County.

**2. Discuss and Comment on Land Use Permit Application for Delta R.V. and Boat Storage site modifications (Howard)** – General Manager Howard stated that this agenda item is also for a Land Use Permit for the R.V. and Boat Storage facility located on the south side of Highway 4, and west of Bixler Road. This is occurring because of the Boat Storage Overlay Ordinance that took effect in 2009. One resident commented and stated that she followed the Boat Storage Overlay Ordinance and throughout the process, it was done through a negative declaration and there was no real looking at mitigation. She stated that this property is next to Kellogg Creek which drains in to Discovery Bay. She also said that Kellogg Creek, according to the Habitat Conservation Plan, is an additional key restoration priority area. Her concern is the impact on Kellogg Creek. She then commented on the Cal-Trans improvements that are earmarked for the Highway 4 and Bixler Road intersection. Cal-Trans will be taking land from the Delta R.V. and Boat Storage facility to make those improvements and the site plan does not address that change. She thinks that there are some environmental issues by having R.V. Storage from engine and oil leakage. There are also some other Agencies that she thinks the information should have been sent to by the County; i.e.; Fish & Game and Reclamation District 800. She questioned the percentage of recreational vehicles allowed versus boats, ingress and egress on to Bixler Road, the height requirement of the fencing and the existence of a Business License. Applicant Scott Pellaton addressed the Board by stating that most of the items that the resident brought up have been addressed by the County. In regard to the ingress and egress, the entrance will be moved further down the road. The easement is widening from sixty feet (60') from forty feet (40') and will come in to their property an additional twelve feet (12'). The County has not addressed Kellogg Creek, but applicant Scott Pellaton said they as far from Kellogg Creek as possible and at some point that whole storage will move to the back part of the property. He would like nothing more than to be able to put up a ten foot (10') wall rather than an eight foot (8') wall. That is something the County will address. Director Piepho stated that he believes most of these issues were addressed at the East County Planning meeting and he thinks there will be plenty of time during the process to address every one of the issues. Applicant Scott Pellaton stated that as the County puts requirements on them, they will address them and that they are just as concerned as the County and the community to make the property fit in to the community. President Graves asked for recommendations from the Board. Director Piepho would like to see if the Board could direct staff to write a letter of support. The other Board Members agreed with the recommendation. President Graves confirmed the recommendation.

**H. COMMITTEE/LIAISON REPORTS**

**1. Trans-Plan Report** – No report

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

**3. Code Enforcement Report** – Director Piepho reported that the Code Enforcement meeting on Thursday was cancelled. He stated that the two (2) hot issues; the sign at the corner of Discovery Bay Boulevard and Clipper Drive advertising weed removal has been removed and the Straw Hat Pizza signs have also been removed. President Graves asked that Code Enforcement address the trailers parked in front of homes.

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

*\*\*These meetings are held Quarterly*

Owners Association (DBPOA) meeting and was please with the large turn out. Karyn brought copies of the Contra Costa County Public Works Fee Schedule that was requested by the Board at a previous meeting.

President Graves noted that Director Chris Finetti from the ECCFPD was present at the meeting and invited him to come forward to speak as his report was supposed to be included on the Agenda. Director Finetti reported that the Brentwood Fire Station responded to the grass fire on Bixler and Hwy 4 and the response time was approximately thirteen (13) minutes after the initial call. At the time, the Bixler station was responding to a fire at Eden Plains and Sunset. The Bixler station then responded to the Bixler/Hwy 4 fire within a minute of the Brentwood station arriving. He then reported that there were two deaths at the scene of the Byron Highway accident, which occurred after the "S Turn," almost to the San Joaquin county line. He also said that Bradford Island has asked to be annexed in to the district. The district is also considering conducting an Opinion Poll regarding a special fire tax and user fees. Director Finetti also reported that in March or April there will be a transfer of property. A majority of the fire station properties hold title in the name of Contra Costa County and it would be advantageous to have those properties transferred to the district. Director Piepho stated that he does not believe the thirteen (13) minute response time meets the LAFCo threshold or the department's targeted goal of response time.

**D. DISTRICT FINANCIAL REPORT**

No report.

**E. CONSENT CALENDAR**

1. Minute(s) previous meeting(s) Special and Regular Meeting of July 21, 2010
2. Various District Invoices
3. Adopt Resolution No. 2010-10 appointing General Manager to also be Board Secretary
4. Adopt Resolution No. 2010-11 amending the manner in which the District pays warrants, invoices and demands for payment
5. Adopt Ordinance No. 21, an Ordinance directing the fees and charges be adopted by Resolution

President Graves pulled Agenda Item E-4 from the Consent Calendar and not address it. Director Piepho made a motion to approve Items E-1 through E-3, and item E-5. Treasurer Dawson 2<sup>nd</sup> the motion. Resident Don Flint asked for clarification on the purpose of Item E-5. Legal Counsel McGrew explained the process and confirmed that there would be no change in the notice to the public of any rate changes, but that it alleviates the after the fact notification. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.

**F. PUBLIC HEARING to Consider the Following**

1. Establish charges and Adopt Resolution 2010-07 for Water and Wastewater services and collection of the charges on the County Tax Roll for the 2010/2011 Fiscal Year (Howard) – General Manager Howard stated that the district has now received a total of eleven (11) protest letters regarding the water and wastewater rate increase. There were no public comments. Director Piepho made a motion to adopt Resolution 2010-07. Director Tetreault 2<sup>nd</sup> the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.
2. Approve and Adopt Resolution 2010-08, Intention to Levy and Collect Annual Assessment for the Ravenswood Improvement District - DB L&L Zone #9 for the Fiscal Year 2010-2011 and Approve and Adopt Resolution No. 2010-09, Confirming the Report and Ordering the Levy and Collection of Charges for the Annual Assessments for Ravenswood Improvement District Assessments within the Town of Discovery Bay Community Services District for the Fiscal Year 2010-2011; continue Collection of Assessments on County Tax Roll for Ravenswood Landscape, Park, Lighting and Open Space Improvements District (Perez) – Landscape Manager Perez explained that the two (2) Resolutions are follow ups from Resolution No. 2010-05 which was approved by the Board on June 2, 2010 that directed HERWIT Engineering to process an Assessment Report for the Ravenswood Improvement District. Based on that report, Resolution No. 2010-08 is the intent to levy and Resolution No. 2010-09 confirms and orders the levy. Landscape Manager Perez stated that the increase is \$7.86 from last year. There were no public comments. Director Piepho made a motion to approve and adopt Resolution 2010-08 and Resolution 2010-09. Vice-President Simon 2<sup>nd</sup> the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.

**I. DIRECTORS' COMMENTS**

President Graves reported that he met with Supervisor Piepho, ECCFPD Director Chris Finetti, and past Discovery Bay Fire chief Greg Peterson who started the original volunteer fire department in Discovery Bay. He stated that he learned that for about twelve (12) years Discovery Bay was subsidizing Brentwood's Fire Department. President Graves also reported on the progress of the Discovery Point Sewer Pipe Replacement Project and how the Contractor is replacing underground pipe with a method called "pipe bursting." He concluded by saying that the Board held a workshop on Thursday, July 29<sup>th</sup> to review the Brown Act, and public records requests.

**J. GENERAL MANAGER'S REPORT**

General Manager Howard reported the Palm Tree trimming consisting of one hundred thirty-two (132) palms is complete. The district is testing some digital audio recording equipment and should be able to provide that soon. Water and Wastewater Manager Koehne reported that four hundred and fifty feet (450') of sewer pipe is being replaced and will be done by the beginning of next week. He also pointed out a poster that was prepared by one of the Berkeley Graduate Students who have been working at the Wetlands.

**K. LEGAL COUNSEL REPORT**

Legal Counsel Mike McGrew reported that he sent a letter to the Board addressing their question concerning a possible conflict of interest for city council members who also serve on the Board of a Special District.

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

1. R – Letter from Supervisor Piepho dated July 7, 2010 regarding Board of Supervisors Meeting Board Orders\*
2. R – Letter from Supervisor Piepho dated July 7, 2010 regarding Contra Costa County Sheriff Office Quarterly Report\*
3. R – Letter from Supervisor Piepho dated July 13, 2010 regarding Board of Supervisors Meeting Board Orders\*
4. R – Letter from Supervisor Piepho to Sheriff Warren Rupf dated July 15, 2010\*
5. R – Letter from Sheriff Warren Rupf to Supervisor Piepho dated July 20, 2010\*

*\* Attachments to all correspondence are available at the district offices for public viewing during normal business hours.*

**M. PUBLIC RECORD REQUESTS RECEIVED**

No requests received since last published Regular Meeting Agenda

**N. FUTURE AGENDA ITEMS**

President Graves reported that there are three (3) CSD seats open this Election and if anyone is interested in running for the Town of Discovery Bay CSD, they need to do so by Friday, August 6<sup>th</sup> at 5:00p.m.

**O. ADJOURNMENT**

1. The meeting was adjourned at 8:38p.m. to next regular meeting on August 18, 2010 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

jd – 08.12.10