



## TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
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### Board Members

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

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

Wednesday, July 21, 2010  
1800 Willow Lake Road, Discovery Bay, California  
Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

### SPECIAL MEETING at 6:30P.M.

President Graves called the meeting to order at 6:30p.m. Director Piepho arrived at 6:31p.m. All Directors were present.

### PUBLIC COMMENTS

Resident Don Flint addressed the Board and stated that there was a lack of information being provided to the public regarding the community center. Mr. Flint also requested that the Board reconvene the Community Center Committee. Resident Jeff Barber addressed the Board and recommended the Board provide direction to the District's negotiator that the building at 1520 Discovery Bay Boulevard be conveyed to the town at zero cost; include tenant improvements, and do not tie the community center project with any other development project.

### A. CLOSED SESSION

President Graves took the meeting in to closed session.

#### 1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR Government Code Section 54956.8

Property: 1520 Discovery Bay Boulevard, Discovery Bay, California

Agency Negotiator: Rick Howard

Negotiating Party: Hofmann Land Development Company

Under Negotiation: Price and terms of payment

#### 2. CONFERENCE WITH LEGAL COUNSEL – Initiated Litigation

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:

One potential case

### B. Return to open session; report on closed session

President Graves returned the meeting to open session and stated that there was no reportable action taken. The meeting adjourned at 7:17p.m. to the regular meeting of July 21, 2010.

### REGULAR MEETING at 7:00p.m.

#### A. ROLL CALL

The meeting was called to order at 7:20p.m. President Graves led the Pledge of Allegiance. Roll call reflected that all Directors were present.

### **SPECIAL RECOGNITION**

To Virgil Koehne for Service and Dedication to the Community and to the Town of Discovery Bay CSD – President Graves stated that the Board and Staff wanted to do something to recognize the twelve years of service that Virgil has given to the district in his position as the General Manager. President Graves presented Virgil with a recognition award. Virgil provided a history of the twelve (12) year old district and thanked his Staff and the Board for their support over the years. He also thanked the residents of Discovery Bay and his family. President Graves then asked for a short recess to the meeting for the attendees to refreshments that were presented to Virgil as a thank you.

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

Resident Jeff Barber submitted a document to the recording secretary that was prepared by the Government Financial Officers Association. He stated that he provided that because he knows the Board is engaged in negotiating real property for a proposed Community Center site. He thinks that the price for that property should be zero. He also believe that with good financial control, the Board should be conducting and reviewing all the financial matters related to owning a building, irrespective of what building it is. He asked that the board conduct a meeting or meetings specifically targeted at the financial aspects of owning and operating a Community Center. Resident Don Flint recognized Virgil Koehne for his service to the community. He also thinks that the Community Center deserves to have a Committee meeting to gather the public's views on what the Community Center should be.

### **C. PRESENTATIONS**

1. **Discovery Bay P-6 Zone Citizen Advisory Committee** – Chair of the Committee, Bob Mankin stated that the P-6 Committee was established by the Board of Supervisors in October, 2009 and their first meeting was March, 2010. The P-6 fund is a parcel tax that began in 1983 that pays for the resident deputy and the squad car. They are looking at the possibility of obtaining a defibrillator to be housed in the resident deputy's squad car. He also stated that a Grant was used to fund a School Resource Officer about five (5) years ago and that Grant will expire at the end of the upcoming school year, so they are looking in to options for funding that next year. Director Piepho mentioned that the County "Heart Start" program provides free defibrillators if the agency takes the training and that may be applicable to the sheriff's department as well.

### **D. CONSENT CALENDAR**

1. Minutes previous meeting, Special Meeting of June 21, 2010 and Regular Meeting July 7, 2010
2. Various District Invoices
3. Letter to Contra Costa County regarding comments to Contra Costa County Department of Conservation and Development regarding proposed Village at Discovery Bay project
4. Letter to California Department of Boating and Waterways regarding the aquatic Weed Egeria Densa
5. Letter of Protest to the East Contra Costa Fire Protection District Board expressing concerns regarding the closure of two (2) fire stations
6. Letter to LAFCO regarding East Contra Costa Fire Protection District Board's decision to close fire stations in Byron and Discovery Bay

Director Piepho made a motion to approve the consent calendar. Treasurer Dawson 2<sup>nd</sup> the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.

### **E. NEW BUSINESS AND ACTION ITEMS**

1. **PUBLIC HEARING to establish charges for Water and Wastewater services and collection of the charges on the County Tax Roll for the 2010/2011 Fiscal Year (Continue to August 4, 2010)** – Howard – General Manager Howard started by stating that the district has not had a general rate increase since the 2003/2004 fiscal year. The Board and staff have worked hard to work within the available budget. The only increases have been the consumer price index increases. At this time, the district needs to have an increase of nine percent (9%). The district mailed notices of the increase to all property owners in Discovery Bay in June in compliance of Proposition 218. President Graves stated that the consultant recommended a fourteen percent (14%) increase, but the Board wanted to put a cap of nine percent (9%). Director Piepho stated that

he wanted to thank the Board and Staff for working to trim the budget down as much as possible. He also said that other communities are having substantial increases; for example, Dublin/San Ramon is implementing three (3) rate increases this year and the current increase is for forty dollars (\$40.00) per month, just for the sewer. He also said that every year, the district has higher State standards to meet. The district received nine (9) letters of protest prior to the meeting and one (1) letter of protest was submitted at the meeting. There were two (2) residents who gave a verbal protest at the meeting. Director Tetreault made a motion to continue the public hearing to the August 4, 2010 Board Meeting. Director Piepho 2<sup>nd</sup> the motion. Director Piepho stated for the record that the county has been collecting the water and sewer fees for the district through the tax rolls and as homes move to meters, the water portion is no longer collected on the property tax, so that should have changed. If that has not, please let the Board know and they will follow up on that and make sure that it does. He also suggested that the public visit the LAFCo website and download the MSR's (Municipal Service Reviews) that were done on all Water and Wastewater Boards and Districts in Contra Costa County. Our rates are at the bottom. He also stated for the record that this Board is the Board that voted to discontinue the water meter installation. The Board voted 4 to 1 (Director Piepho being the one), to stop putting in water meters. He thinks that water meters are the best way to get people to conserve water. He encouraged the Board to bring it back and restart the program. He also noted that President Graves and Treasurer Dawson were not on the Board at that time. President Simon stated that four (4) members of the Board from last year voted not to continuing the water meter installations. He stated that he was one (1) of those Board Members and Director Tetreault was another. He stated that their feeling at the time was the state mandated the water meters in the new section (for homes built after 2000). The CSD had no say in that. During the financial crunch of last year when people were being laid off and homes were being foreclosed, he felt that it was fiscally irresponsible to put another bill in the resident's mailboxes. When it is included on taxes or paid with the house payment, it is already a part of the property owner's budget. It is not another separate bill to pay. He said that is why the four (4) out of five (5) voted to stop the meter installations. The motion passed with a vote of 5 ayes, 0 nos, and 0 abstain.

**2. Introduce and Waive Reading of Ordinance No. 21, an Ordinance directing the fees and charges be adopted by Resolution – Howard** – Director Piepho made a motion to waive reading of Ordinance No. 21, an Ordinance directing the fees and charges be adopted by Resolution. Treasurer Dawson 2<sup>nd</sup> the motion. The motion passed with a vote of 5 ayes, 0 nos, 0 abstain.

**F. CHAIR REPORT**

No report.

**G. DIRECTORS' COMMENTS**

Treasurer Dawson wanted to thank Water and Wastewater Manager Koehne for teaching him about the water and wastewater systems and taking him to tour the facilities. Director Piepho stated that Code Enforcement has opened up another case on a resident who has put large signs on his vehicle parked at Clipper Drive and Discovery Bay Boulevard. Also, the Straw Hat Pizza at Sandy Cove Shopping Center has huge window signs that are against the signage conditions for the businesses. Director Piepho then noted that General Manager Howard has been providing the Board with Friday updates keeping them informed on what is going on in the district and community. He then asked that staff look in to the possibility of obtaining a defibrillator through the "Heart Smart" program with the County. Director Piepho also asked about staff looking in to digital recording of the minutes instead of tapes. President Graves stated that the Presbyterian Church is in the process of going through the training to get one of the defibrillator units through the "Heart Start" Program.

**H. GENERAL MANAGER REPORT**

**1. Landscape Update (Perez)** – Landscape Manager Perez provided a report (handout) to the Board and copies to the public. She also showed a PowerPoint Presentation with photos and drawings of the various projects that are ongoing in the community. She said the Willow Lake Road Improvement Project should begin in about two (2) weeks. The lighting for the Ravenswood Park Solar Lighting is in process. She showed plans for the new Basketball Courts at Regatta Park and there will be a meeting with the County in August to discuss their approval of the project. She also showed photos of some of the plants that will be

placed in the various landscape projects.

2. **Water & Wastewater Projects (Koehne)** – Water and Wastewater Manager Koehne stated that the CSD has had a few large water leaks since the last meeting. Well #6 is about ninety-eight percent (98%) done. On the Discovery Point Sewer Pipe Replacement Project, there were permitting delays with the County, but he hopes to be able to start by next Monday. Staff is almost done with the RFP (Request For Proposal) to go out for Operations bids. Staff will review it with the Engineering firm and will move forward once that is done. The CSD is raising several water valve covers due to the County street paving.

**I. LEGAL COUNSEL REPORT**

No report.

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

1. R – Letter from Central Valley Salinity Coalition, Inc. dated July 1, 2010
2. S – Letter to Contra Costa County regarding County File No. LP10-2048 (Raymond Lillard)

**K. PUBLIC RECORD REQUESTS RECEIVED**

- (1) Request from William Richardson received June 15, 2010
- (1) Request from William Richardson received June 17, 2010
- (1) Request from William Richardson received June 21, 2010
- (3) Requests from William Richardson received July 6, 2010
- (1) Request from Walt Morris received July 8, 2010
- (1) Request from Don Flint received July 8, 2010

Director Piepho would like to discuss including copies of the Public Records Requests in the Agenda Packet.

**L. FUTURE AGENDA ITEMS**

President Graves said that he would like to see getting Audio on the new website and Full Agenda Packets posted to the Website.

**M. ADJOURNMENT**

Meeting was adjourned at 9:03p.m. to the next Regular meeting of August 4, 2010 starting at 7:00pm at 1800 Willow Lake Road – Located in back of the Delta Community Presbyterian Church.

jd – 07.26.10