

**DIABLO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS MEETING
APPROVED MINUTES
DIABLO COUNTRY CLUB
TUESDAY, JANUARY 8, 2019 7:30 p.m.**

CALL TO ORDER: President Brant opened the meeting at 7:35 pm

ROLL CALL: President Brant, Directors Urbelis, Eorio, Becker, Isom

President Brant welcomed the audience of approximately 160 persons to the meeting and set ground rules for the meeting. Introduced new members. New issues for the board including hiring a new general manager, settling the current litigation and of course the core issues of the District, public safety, roads maintenance, streets., and culverts. etc. He welcomed public comments limited to 3 minutes. Public comments will be very long so please don't repeat what has already been stated.

Commissioner Becker spoke and feels that the lawsuit could have been settled long ago with negotiations and that is why he ran for office. He received an anonymous complaint from the Fair Political Practices Commission about his potential financial conflict of interest and explained to the audience why he feels he has an exception to the conflict of interest due to the exception clause about repairs to roadways as outlined with FPPC guidelines. He felt that a current or former member of the Board must have filed this complaint. He stated that if Calle Arroyo is private then all streets within Diablo are private and subject to the same restrictions that would apply to Calle Arroyo. He further stated that the litigation should have been settled long ago; he wants to resolve this litigation ASAP.

PUBLIC COMMENT:

Robert Tiernan. He agrees with Mr. Becker and wants to resolve the lawsuit.

Steve Morre, Diablo resident, loves living in Diablo, uses the hole in the wall, please don't shut me out of Diablo as the cut through is imperative. Many audience members supported this issue.

Susie Forfeign, Diablo resident, the cut through is very important to our daily lives and her kids are on the Mountain Bike Team and they do a great job, are polite, respectful and grateful to be off of Diablo Road.

Kay Batts, discussed the issue of why the board is looking at terminating the legal and outside legal counsel. She also asked that Kay's trail be better maintained as it has been badly eroded and it needs major maintenance. DCSD needs to clear pipes and maintain the trail for flooding and then fix and repair the entrance to Kay's trail.

MaryAnn Cella, reviewed her handout regarding Diablo Road and suggested safety improvements and their group SOS is advocating bike safety and improvements on Diablo Road with 4-foot shoulders and bike lanes.

Beverly Chan, Diablo Resident, concerned about funds used to maintain our roads. If we are truly private, tax funds cannot be utilized? An open question.

Tony Geisler, our roads are private and not only for residents but open to walkers, etc. He referred to an open letter to the DA and Grand Jury, which he discounted. He is not concerned about the tax funds being utilized to maintain Calle Arroyo

Nicola Place, Diablo, uses the cut through daily. No District tax dollars are currently utilized to maintain Mt. Diablo Scenic, which is unfair to the residents of Mt. Diablo Scenic.

Dana Sketchley, Diablo, DCSD has never spent money on Mt. Diablo Scenic and the DCSD needs to address this issue.

Jon Fulton, Diablo, the two cut throughs are very important to us as residents and please do whatever you can to keep the cut throughs open. The passages are very important for public safety, not only bicycles. He admits that the vast majority of cyclists are good people and Diablo welcomes good cyclists. Please maintain the cut through.

Bob Baretta, Diablo, so much anger lately especially on Next Door, we all live here in Diablo and that he loves this community.

Ms. Johnson, Mt. Diablo Scenic, we have utilized the cut throughs forever, Diablo Road is going to be very expensive to fix, we need to see our sheriff more on Mt. Diablo Scenic. Hopes all cyclists obey the law and stop at stop signs.

Muggs Freeman, Diablo, we are extremely sad to see the division within Diablo, important to listen to each other, come up with solutions to heal our community. Recommend the GM and legal counsel should be combined.

Jeff Mini, Diablo, a cyclist as well. Everyone should work together to get Diablo Road improved, force Danville to do their job and hear our voice.

Joanne Hines, Diablo, she stated that a cyclist came around a corner and almost hit her, she pointed out that Calle Arroyo is very narrow and hope that the cycling community should press Danville to improve Diablo Road.

Arlene Reed, Diablo, she appreciates the commitment of the board; there should have been a transition plan between 2018 to 2019. Strongly supports Kathy Torru as the new GM as her experience is invaluable to the DCSD. Combining the positions is an outdated concept and their expertise's are different. It's unfortunate that the lawsuit has divided our community.

Anne Coleman, Diablo, she asked again, for the termination of Christie Crowl and think that the GM and legal counsel could be combined.

Winston Cervantes, Diablo, the Tiernan lawsuit wants to close the cut through and this is unacceptable to our fellow Diablo property owners, especially to Mt. Diablo Scenic residents. This would also undermine private property rights. Why are certain locations being targeted and not others? There are four other cut troughs, please don't not close this very important access. It also has prescriptive access rights, since it has been in place for over many decades. Please be wary of future lawsuits which has opened a large can of worms.

Joe Raphel, Diablo, discussed property tax issues within Diablo and stated that \$450,000 used from ad valorem taxes annually and the budget for security is about \$400,000. The parcel tax

Measure B produces \$280,000 for “road, bridge, security, etc.,” and so his argument is that that ad valorem tax does not need to be used for road maintenance. Joe stated that he also met with the Town of Danville, stating that the \$54 million estimate to widen Diablo Road is a ruse, they just are playing games with estimates as Danville doesn’t want to do the improvements. The Board needs to meet with Danville asap and discuss options.

Martin Koran, protesting the potential closure of the cut through as Diablo Road is too dangerous. His daughter is on the SRV Mountain Bike club and losing the cut through will put kids at peril.

Bill Bauer MV Bike team, safety of the kids is most important, we teach respect and willing to work with anyone to assure that the cut through is maintained until such time as there is a safer alternative.

Greg McCormick, born and raised in Diablo, avid cyclist and spoke of the importance of the cut though as it is imperative to public safety.

Dave Campbell, Bike East Bay, stated that they entered the lawsuit in cooperation with DCSD and from a safety issue, the cut through is imperative, Widening Diablo Road is important but whatever other option are out there should be explored and working with Danville is important.

Cristine James, Danville remembered riding through Diablo as a child, urged the District to put safety first and keep the cut through open.

Robert Chow, Monte Vista Mountain Bike team; cut through is critical to our 47 students. Please keep cut through open for everyone’s safety.

Deborah Donovan, ex Diablo resident, asking for kindness and healthy living and the cut through is a biking lifeline, in order to stay alive and urged the District keep the path open.

Hans Geary, Danville, his kids were on the MV and SRV Mt. Bike teams and currently coaches with the program. Opportunity’s for youth with biking is very important to their development so please do not force kids into harms way by closing the pathway.

Dave Dondero, described a similar community in Santa Cruz, that community defined that community to look at the larger picture and work together for the benefit of all, including cyclists.

Joseph Gorney, is a part of the “growing menace” of cyclists and is always “98% compliant” with the law as are his riding friends. Keep the pathway open.

Ken Mozak, started the Mt. Bike teams at both high schools, coached over 650 mountain biking athletes and they train all their kids to be ambassadors, obey the law and respect the community. Kids need this access and it would be tragic if the cut though were to be closed.

Dan Fritz, Grizzly Peak cyclists, was grateful to hear the majority of people support safety on Diablo Road and has been delighted that there is so much support for keeping the cut through open.

Linda Kwon, she is a cycling ambassador and acknowledges the safety improvements that happened on Mt. Diablo were due to the efforts of the Mt. Diablo Cyclists group. Closing the cut through will endanger cyclists, students, etc. if they are forced to use Diablo Road. Let’s work collaboratively to keep the cut through open.

Brian Walters, Alamo, had a dream as a kid to ride to the top of Diablo. He is now an elite professional mountain bike rider and this mountain is mecca, but urged the District to not force people out onto Diablo Road and prevent tragedy by keeping the pathway open.

Steve Tracy, Berkeley, it's important to let the cyclists ride safely through your community.

Maria Garcia de la Novella, thanked everyone for all of your comments about keeping Diablo open. She has been a bike leader for 40 years, we always ride with respect, and follow the laws. She didn't know she could ride through the community of Diablo and she appreciates and recommends signage for cyclists to ride slow, etc. and be kind to one another.

DIABLO COUNTRY CLUB REPORT: Hank Salvo, master plan for the club expansion was approved by their board and major renovation of the golf course will start soon. Board member Eorio brought up the culvert issue on Calle Arroyo, Hank stated that the Diablo CC was not responsible. Discussion of possible ways to get to a solution was discussed.

DIABLO PROPERTY OWNERS REPORT: Don Nejedly, successful holiday event which will be expanded and continue. Very happy with the holiday decorating job and looking forward to Easter decorations. DPOA is starting membership drive, and hopefully expanding flag program.

CONTRA COSTA COUNTY REPORT: No report.

SECURITY REPORT: Office Buergi reported of some battery and theft issues on one property last month. Asked if the Board want to continue with the traffic enforcement program which will take place on a future agenda. Lt. Haynes, Officer Buergi's supervisor, is available to discuss with Board about what the Board expects from officers.

RESOLUTION 2019-1, Appointing Board members to their respective duties for 2019. Moved Urbelis, Second, Brant, approved unanimously.

MINUTE ORDER, approving signers to District checking account, Moved Urbelis, second Becker, approved unanimously.

RECONVEINE FROM CLOSED SESSION at 11:47 pm

Item A; nothing to report.

Item B; Board President authorized to offer month to month contract not to exceed 90 days to Kathy Torru for transition services contract which will exclude any litigation items. Formed subcommittee to consisting of Directors Urbelis and Eorio to search for a permanent GM and post position opening.

Item C, nothing to report.

Item D, nothing to report.

ADJORNMENT 11:52 pm.