



# TOWN OF DISCOVERY BAY

## A COMMUNITY SERVICES DISTRICT



### SDLF Platinum-Level of Governance

PLATINUM LEVEL

President – Kevin Graves • Vice President – Ashley Porter • Director – Bryon Gutow • Director – Michael Callahan • Director – Carolyn Graham

#### MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY Wednesday February 2, 2022 REGULAR MEETING 7:00 P.M.

#### NOTICE Coronavirus COVID-19

In response to the current proclaimed State of Emergency, indoor masking requirements, and recommended measures to promote social distancing imposed by State and local officials, the Town of Discovery Bay Community Services District Board of Directors will take all actions necessary to carry out the intent and purpose of AB 361, including, ensuring that the Directors and meeting attendees may continue to have the option to access and participate in this public meeting by teleconference to avoid imminent risks to the health or safety of the Directors and meeting attendees.

To accommodate the public during this period of time that the Board's Chambers are closed to the public, the Town of Discovery Bay Community Services District Board of Directors has arranged for members of the public to observe and address the meeting telephonically.

#### **TO ATTEND BY WEBINAR:**

**Please register for Regular Meeting of the Board of Directors at:** *(Copy and paste into your browser the registration URL. You will then be directed to download the webinar to your device and register with LogMeIn, Inc.)*

**Registration URL:** <https://attendee.gotowebinar.com/register/4176430464157960718>  
**Webinar ID#** 531-059-227

**After registering, you will receive a confirmation email containing information about joining the webinar by computer or by phone.**

**For listen-only mode dial:** (213) 929-4212 **ID#** 625-635-650

**Download Agenda Packet and Materials at** [www.todb.ca.gov](http://www.todb.ca.gov)

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

##### **A. ROLL CALL AND PLEDGE OF ALLEGIANCE**

1. Call business meeting to order 7:00 p.m.
2. Pledge of Allegiance – Led by Vice-President Porter
3. Roll Call – all present

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

Public Comment regarding safety concerns of intersection at Discovery Bay Blvd. and HWY 4; In favor of Caltrans original proposal. Also commented on lack of CHP enforcement for speed; noise complaint; concern regarding piping on Discovery Bay Blvd.

President Graves recommended caller contact Town office during regular business hours and talk to General Manager Breitstein or Assistant General Manager Davies regarding any water / leak concerns. Caltrans item is a future agenda item for Board of Directors Meeting at a later date. Sheriff's office on the line heard concerns regarding noise and speed issues.

**C. CONSENT CALENDAR**

1. Approve DRAFT minutes of Board of Directors meeting for January 19, 2022.
2. Approve Register of District Invoices.
3. Approve Resolution 2022-03 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.

Motion made by Director Callahan to approve

Seconded by Director Graham

Vote: Motion Carried – AYES: 5, NOES: 0, ABSTAINED: 0, ABSENT: 0

**D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS**

1. Supervisor Diane Burgis, District III Report.

County Supervisor's Office Representative Lea Rodriguez informed the Board that County Supervisor Burgis unexpectedly lost her husband in December 2021 and appreciates all the love and support received. Updated the Board that Covid cases in the County are down substantially this week compared to last week but the number of people hospitalized (due to Covid) is still high. Hospitals continue to experience staffing issues. Contra Costa County population is 80% fully vaccinated. The focus is now on booster shots and 48% of eligible County residents have received their booster dose of the Covid-19 Vaccine. Same-day no-cost booster / vaccine clinics are still available in Contra Costa County and appointments can be schedule online at [cchealth.org](http://cchealth.org). No-cost Covid-19 home test kits are also available for all households and can be ordered online at [covidtest.gov](http://covidtest.gov). Moving on to discuss transportation items, Public Works will be replacing the rumble strip markers on Byron Highway between Byron Hot Springs Road and Bruns Road; Work is scheduled for Tuesday February 8 – 9, 2022 from 9:00 a.m. – 4:00 p.m. Electronic message boards will be placed in advance to alert drivers of the scheduled work. State Route 239 Online Open House is now available at [www.sr239project.net](http://www.sr239project.net) and will remain open until February 4, 2022; the website offers important details about the environmental evaluation and process of this project and displays a poster gallery for easy viewing of technical information and allows for multiple ways for the public to ask questions and leave comments. Last, County Supervisor's Office Representative Lea Rodriguez announced her resignation but announced she will stay on board until a replacement for the position is found to ensure a smooth transition.

2. Sheriff's Office Report. – not present
3. CHP Report. – not present
4. East Contra Costa Fire Protection District Report. – not present

**E. PRESENTATIONS**

1. None.

**F. BUSINESS AND ACTION ITEMS**

1. Discussion and Possible Action to Adopt a Proposal to Submit to Discovery Bay Voters Limiting the Number of Terms a Town of Discovery Bay Board of Director May Serve.

Legal Counsel Pinasco gave a brief overview of the Town's December 15, 2021 meeting when the Board asked that this item be brought back with an opportunity to take action. Staff abided by the request and is presenting the findings now. In the agenda packet there was an attachment, Resolution 2022-04, which memorializes the decision and would be sent to the Registrar Office. The second attachment was the Proposed Draft Ordinance which outlines term limits; Legal placed sample language from other similar sources (special districts) just as example framework. The impact of moving forward with this decision would be twofold: 1) The term limitation sent to Registrar Office would be placed on ballot and voters would decide 2) cost estimate: \$2-\$3 per voter, \$20-\$40K does not included additional cost to put measure in voter guide. Information received from the Registrar Office is that it would be an additional \$3K per page – calculating that the information would be provided in 3 languages that's 2-3 pages, with an additional \$9K cost to place this measure on the ballot and up for vote by Discovery Bay residents.

Director Callahan expressed his thoughts on it being too expensive and it might be best to let the public petition for this change if it's really an ordinance they wish to adopt.

President Graves asked Legal Counsel Pinasco if this can be done by a public petition with no cost to the town.

Legal Counsel Pinasco responded in the negative; it will still cost the Town and it will not diminish the cost at all but yes, the Town residents can initiate the process.

President Graves and Director Callahan do not feel it is fiscally responsible to spend that much money without taking a temperature of what Town residents really want in regard to this item.

Director Graham asked how the Board could get information from the public to see if they are interested. Commented that if Discovery Bay citizens are interested in this ordinance, then spending \$80K would be justified.

Vice-President Porter voiced the need for Town residents to also be aware of the cost of doing this; if we are going to ask for public input then we need to be transparent about the cost and where that money would come

from.

Director Graham asked if there's any flexibility in the cost.

President Graves stated that's the standard election costs – bylaws require elections and therefore included in the budget, but to add something new like this it's an additional cost not previously accounted for in the annual budget.

Legal Counsel Pinasco discussed the initiative process for the public gathering signatures and the procedure for verifying those signatures as registered voters before the petition is submitted to the County Board of Elections who would then submit a proposal to the Town for adoption.

President Graves asked, who determines the threshold?

Legal Counsel Pinasco responded that thresholds are determined by the population of voters, a percentage of the amount of voters and all signatures need to be registered voters.

President Graves affirmed that the Board would not be responsible for initiating, following, or verifying this process because it would be initiated by The People. However, if this was initiated by The People and it was a successful process leading to the obligatory adoption of this new ordinance then at that point the Board is following the guidance of the majority of the population, which justifies the cost.

Director Gutow asked, where would the funds come from to pay for this? Would it be water & wastewater?

General Manager responded that the cost would be spread out amongst all zones.

Director Callahan thanked the Town and Legal Counsel for the effort of finding the information.

No Public Comment.

No Action on item F1.

2. Discussion and Possible Action to Set the Date and Time of the 2022 Annual Board Workshop.

General Manager Breitstein suggested the date of Thursday March 24, 2022, from 4:00 - 6:00 p.m.

Motion made by Vice-President Porter to approve.

Seconded by Director Graham.

Vote: Motion Carried – AYES: 5, NOES: 0, ABSTAINED: 0, ABSENT: 0

#### **G. MANAGERS REPORTS**

1. None

#### **H. GENERAL MANAGERS REPORTS**

1. None

#### **I. DIRECTOR'S REPORTS**

1. None

#### **J. DIRECTOR'S REGINAL MEETING REPORTS**

Vice-President Porter attended the Code Enforcement meeting last week and provided an update: discussed the sweep made for the boats and trailers, safety issues regarding fireworks and the 49ers game, and garage sale signs.

Director Callahan gave a brief overview of the Internal Ops meeting regarding the Community Alert System coming to a future Board of Directors meeting for approval.

Director Gutow participated in the Finance Committee meeting where there was a presentation from a 3<sup>rd</sup> party consulting firm for the Capacity and Connection Fee Study for new construction and a presentation from Landscape Manager Bill regarding Willow Lake. The Finance Committee sent the project back for review to the Park & Recreation Committee to priorities projects.

Vice-President Porter provided an overview of the Water and Wastewater Committee meeting: Presentation regarding the Capacity and Connection Fee Study (same presentation that was given to the Finance Committee), discussion regarding the waterline replacement off Discovery Bay Blvd., and brought attention to traffic flow during project hours (Monday – Friday, 8:30 a.m. – 4:30 p.m.) estimated to be a 2-3 week project; denitrification project update – challenges and surprises, ripping Plant 2 apart overall adding three new Anoxic Basins, two new Headworks, new Ox Ditch, and more. In the process they've encountered issues with weather, Covid, and additional repairs needed which has pushed out the date of completion from June 15, 2023, to July 7, 2023. Also discussed a manhole project that will be brought to the Board at a later date.

#### **K. FUTURE AGENDA ITEM(S)**

1. Caltrans discussion regarding Discovery Bay Blvd intersection at HWY 4.

#### **L. CLOSED SESSION**

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS FOR WELL 8 AS ALLOWED UNDER GOVERNMENT CODE SECTION 54956.8

Property: A portion of APN 011-220-010, Discovery Bay

Agency Negotiator: Dina Breitstein, General Manager

**M. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION**

**N. ADJOURNMENT**

1. Adjourned to the Next Regular Board of Director's Meeting, beginning at 7 PM at the Community Center located at 1601 Discovery Bay Boulevard.

"This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the American with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the Town of Discovery Bay, at (925) 634-1131, during regular business hours, at least forty-eight hours prior to the time of the meeting."

"Materials related to an item on the Agenda submitted to the Town of Discovery Bay after distribution of the agenda packet are available for public inspection in the District Office located at 1800 Willow Lake Road during normal business hours."