



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



PLATINUM LEVEL

## SDLF Platinum-Level of Governance

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

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY  
Wednesday, January 20, 2021  
REGULAR MEETING 7:00 P.M.**

**NOTICE  
Coronavirus COVID-19**

In accordance with the Governor's Executive Order N-33-20, and for the period in which the Order remains in effect, the Town of Discovery Bay Community Services District Board Chambers will be closed to the public.

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 TELECONFERENCE:**  
Toll-Free Dial-In Number: (877)778-1806  
CONFERENCE CODE **891949**

Download Agenda Packet and Materials at <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. – By President Gutow
2. Pledge of Allegiance – Led by General Manager Mike Davies.
3. Roll Call – All Present.

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

Public comment regarding:

- Funding to maintain Clipper Drive linear park. The possibility of using video conferencing for any Board of Directors or Committee meetings. Will comments be allowed three minutes per topic if a member of the public has multiple topics to discuss?

**C. CONSENT CALENDAR**

All matters listed under the CONSENT CALENDAR are considered by the District to be routine and will be enacted by one motion.

1. Approve DRAFT minutes of December 16, 2020 Regular Board of Director's meeting.
2. Approve Register of District Invoices.
3. Elect Board Officers for Calendar Year 2021 – Bryon Gutow President and Kevin Graves Vice President.

Public comment regarding:

- Inquiry about what services were received from JW Backhoe & Construction, Inc. for \$63,567.32.  
Requested description of Town of Discovery Bay expense for \$60,916.34.

Motion made by Vice President Graves to accept Consent Calendar as presented.

Second by Director Ashley Porter.

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

**D. PRESENTATIONS**

1. Draft Water Shortage Contingency Plan

Water Engineer Justin Shobe presented the draft of the Water Shortage Contingency Plan. This plan is created to comply with requirements from the California Department of Water Resources. In the event of a water shortage, the Board of Directors will be required to initiate the plan and provide the Town with guidance and suggestions for solutions. Some of the possible solutions mentioned by Water Engineer Justin Shobe were adjustments to wells, observation of leaks, mandatory restrictions, bill inserts, public workshops. There are six water shortage levels from Mild to Catastrophic. Responses will vary depending on severity. Water shortages are determined by an Annual Water Supply and Demand Assessment. Water Engineer Justin Shobe discussed a schedule and deadlines for submitting this plan to the state. The Board can modify this Water Shortage Contingency Plan at any time. Water Engineer Justin Shobe requested to bring this item to the Board on February 17 for adoption.

Director Carolyn Graham asked how the six water shortage levels differ from the last drought we faced.

Water Engineer Justin Shobe stated there was a requirement to send in monthly reports to the state identifying measures the Town was taking to resolve the water shortage issue.

Vice President Kevin Graves asked if the regulations that Town of Discovery Bay had to comply with were the same state mandates that the entire state had to comply with and it did not necessarily apply to us because of our water supply.

Water Engineer Justin Shobe replied: Yes, that is correct.

Vice President Kevin Graves asked if the six water shortage levels presented today were the same as the ones previously presented.

Water Engineer Justin Shobe stated one level was added. Previously there were 5 levels.

Public comment regarding:

- Our ability to meet the demands of our consumers are more than adequate. Recalls water restrictions. Inquired if Town could contest with the state if restrictions were once again implemented. Stated that anyone is allowed to discuss this item since it is on the Agenda.

**E. MONTHLY WATER AND WASTEWATER REPORT- VEOLIA**

1. Veolia Report – Month of December 2020.

Veolia Project Manager Gerry Lemus updated the Board with December 2020 operations. Advised of reports which have been submitted to the state as required. There was one Sanitary Sewer Overflow reported to the state and has not received a reply from that submission.

Vice President Kevin Graves asked if the Sanitary Sewer Overflow was the same one as previously discussed.

Veolia Project Manager Gerry Lemus confirmed it was the same situation.

Director Ashley Porter asked if there is a limitation of time for the state to respond.

Veolia Project Manager Gerry Lemus advised there is no time limit.

Public comment regarding:

- None.

**F. BUSINESS AND ACTION ITEMS**

1. Discussion and Possible Action Regarding Board Member Appointments to Standing Committees.

General Manager Mike Davies asked the Board to select Committees for a two year appointment. Selections were made by each Board Member in order of Member seniority.

<u>Standing Committee Name</u>	<u>Director Appointed</u>	<u>Director Appointed</u>
Water and Wastewater	Vice President Kevin Graves	Director Ashley Porter
Parks and Recreation	President Bryon Gutow	Director Ashley Porter
Finance	President Bryon Gutow	Vice President Kevin Graves
Communications	Director Carolyn Graham	Director Michael Callahan
Internal Operations	Director Michael Callahan	Director Carolyn Graham

Public comment regarding:

- Seniority of Director Michael Callahan and Director Carolyn Graham is due to more votes during election.

2. Discussion and Possible Action Related to Board Member Appointment to Regional Committees.

General Manager Mike Davies asked the Board to select a primary and secondary for each Regional Committee. Board was advised that attendance to these meetings is uncompensated and can be voted on prior to each meeting by the Board to make each meeting stipendiary.

Board and General Manager Mike Davies had a discussion regarding the necessity of attendance at the Regional Meetings listed. There were questions regarding the specifics of each meeting in order to understand its importance and the need to attend each one. Direction by the Board was given to bring this item before the Board in the future with descriptions of the meeting content and degree of recommendation

to attend.

General Manager Mike Davies advised the Board two members can attend these meetings voluntarily without creating an issue.

Public comment regarding:

- The possibility of the Regional Meetings being held on video calls or telephone conference. Are they open for the public to attend?

Legal Counsel Rod Attebery reminded the Board that Town of Discovery Bay does not control the meetings and historically meetings have been relevant to keep ourselves informed. Generally, these meetings are open to the public.

### 3. Discussion and Possible Action to Set the Date and Time of the 2021 Annual Board Workshop.

Annually the Town holds a meeting to update the Board on past, present and future plans for the Town of Discovery Bay. General Manager Mike Davies recommended this Annual Board Workshop be scheduled for Thursday, March 4, 2021 at 4:00 p.m.

Public comment regarding:

- The posting of the Agenda for this Workshop Meeting.

President Bryon Gutow asked the Board if this date and time worked for everyone. All Board Members agreed on Thursday, March 4, 2021 at 4:00 p.m.

### 4. Discussion and Possible Action Regarding Landscaping on Discovery Bay Boulevard.

There is a refresh in process for the west side of Discovery Bay Blvd. Consideration was given to doing something more permanent such as widening walkways. It was determined that this would not be an economical and cost effective idea. Suggestion was made to instead allow the new Parks and Recreations Committee to present ideas for something more elegant than the refresh. This will require a pause in refreshing the west side of Discovery Bay Blvd.

President Bryon Gutow advised that in speaking to Reclamation 800, it was determined that exploring other options is not feasible.

General Manager Mike Davies advised that if a pause were taken, staff recommendation would be to work on islands on the south part of Discover Bay Blvd.

President Bryon Gutow stated he prefers to not take a pause and to continue with the work that has already been decided upon by the past committee.

Discussion was had by the Board and Parks and Landscape Manager Bill Engelman regarding landscape possibilities.

Public comment regarding:

- Continuing with the landscaping upgrade of Discovery Bay Blvd.

General Manager Mike Davies advised Legal Counsel Rod Attebery a motion would not be necessary as it was decided to proceed with the last approved motion for this item.

### 5. Award Contract to McNabb Construction for the Installation of Ravenswood Park Play Structure.

Parks and Landscape Manager Bill Engelman discussed the replacement of the play structure at Ravenswood Park. Original budget was approved for \$98,853.00. McNabb Construction provided a bid for playground structure installation of \$48,888.00. Total budgeted for this project was \$173,000. The new total cost of this project is \$161,161.00. Staff requested approval allowing Town General Manager to be permitted to execute all contracts and necessary purchase orders for the installation of this playground equipment.

Vice President Kevin Graves asked if research had been done on this vendor.

Parks and Landscape Manager Bill Engelman stated that McNabb Construction has previously done work for Town of Discovery Bay.

Public comment regarding:

- The use of Zone 9 funds to maintain the playground structure.

Motion made by Director Carolyn Graham to accept this item as presented to the Board.

Second by Vice President Kevin Graves.

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

## H. **MANAGER'S REPORT**

### 1. Water & Wastewater Capital Improvement Project Update.

Water and Wastewater Manager Aaron Goldsworthy provided the Board with updates for the current statuses of Water and Wastewater projects.

Director Ashley Porter asked if the Denitrification Project is a state mandated project.

Water and Wastewater Manager Aaron Goldsworthy confirmed.

Public comment regarding:

- The possibility to sue the state to get funding for this project.

**I. GENERAL MANAGER'S REPORT**

Legal Counsel Rod Attebery advised the Board they will receive an electronic message from his assistant regarding General Manager Mike Davies' evaluation. This form will also allow the Board the opportunity to comment on goals for the upcoming year. The Board was encouraged to be detailed in their assessment of General Manager Mike Davies' performance in the previous year.

**J. DIRECTORS' REPORTS**

**K. CORRESPONDENCE RECEIVED (Information Only)**

**L. FUTURE AGENDA ITEMS**

**M. ADJOURNMENT**

1. Adjourn at 8:17 p.m. to the next regular meeting on February 3, 2021 at 7:00 p.m. 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."

//ym//012121