



TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
AGENDA PACKET

For the Meeting of Wednesday
December 5, 2012

7:00P.M. Regular Meeting

District Office
1800 Willow Lake Road



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

President - Chris Steele • Vice-President - Kevin Graves • Director - Jim Mattison • Director - Mark Simon • Director - Ray Tetreault

**NOTICE OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY CSD
Wednesday December 5, 2012
REGULAR MEETING 7:00 P.M.
1800 Willow Lake Road, Discovery Bay, California
Website address: 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
3. Roll Call

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

During Public Comments, the public may address the Board on any issue within the District's jurisdiction which is not on the agenda. The public may comment on any item on the Agenda that is before the Board for consideration. Any person wishing to speak must come up and speak from the podium. There will be no dialog between the Board and the commenter. Any clarifying questions from the Board must go through the Chair.

C. PRESENTATIONS

1. Recognition – Board Member Jim Mattison

D. AREA AGENCIES REPORTS / PRESENTATION

1. SHERIFF'S OFFICE REPORT
2. CHP REPORT
3. FIRE DISTRICT REPORT
4. EAST CONTRA COSTA FIRE PROTECTION DISTRICT REPORT
5. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT

E. COMMITTEE/LIAISON REPORTS

1. Trans-Plan Report
2. County Planning Commission Report
3. Code Enforcement Report
4. Special Districts Report**

***These meetings are held Quarterly*

F. 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. DRAFT Minutes of previous Special Meeting dated November 7, 2012
2. DRAFT Minutes of previous Regular Meeting dated November 7, 2012
3. Approve Register of District Invoices
4. Release of partial retention – Discovery Bay Dewatering Project
5. Approval of contract extension to Odyssey Landscaping, Inc. for Discovery Bay Zone 9 & Contra Costa County Zones 35, 57 & 61

G. NEW BUSINESS AND ACTION ITEMS

1. Board Member Compensation
2. Request to Establish Standing Community Center Committee

H. PRESIDENT REPORT AND DIRECTORS' COMMENTS

I. MANAGER'S REPORT

J. GENERAL MANAGER'S REPORT

1. Community Center Update and Possible Action

K. DISTRICT LEGAL COUNSEL REPORT

L. COMMITTEE UPDATES

M. CORRESPONDENCE – Discussion and Possible Action

1. R – State Route 4 Bypass Authority meeting minutes dated August 9, 2012
2. R – State Route 4 Bypass Authority meeting minutes dated September 13, 2012
3. R – Contra Costa County Aviation Advisory Committee meeting minutes dated September 13, 2012
4. R – Byron Municipal Advisory Council meeting minutes dated October 18, 2012
5. S – Letter to John Osborne regarding Newport Pointe Residential Project – County File #'s GP08-0002, RZ09-3241, SD09-9278 & DP09-3029 dated November 16, 2012

N. PUBLIC RECORD REQUESTS RECEIVED

1. Request from William Richardson – Community Center Closed Sessions – Request date November 20, 2012

O. FUTURE AGENDA ITEMS

P. ADJOURNMENT

1. Adjourn to the next regular meeting on December 19, 2012 starting at 7:00 p.m. at 1800 Willow Lake Rd – Located behind the Delta Community Presbyterian Church.

"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 twenty-four hours prior to the time of the meeting."

"Materials related to an item on the Agenda submitted to the Town of Discovery Bay CSD 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."



No Back Up
Documentation For
Agenda Item # C



No Back Up
Documentation For
Agenda Item # D



No Back Up
Documentation For
Agenda Item # E



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

President - Chris Steele • Vice-President - Kevin Graves • Director - Jim Mattison • Director - Mark Simon • Director - Ray Tetreault

**MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY CSD
Wednesday, November 7, 2012
1800 Willow Lake Road, Discovery Bay, California
SPECIAL MEETING 6:00 P.M.
Website address: www.todb.ca.gov**

SPECIAL MEETING AT 6:00 P.M.

A. ROLL CALL

Call business meeting to order – 6:01 p.m. by President Steele
Roll Call – All present with the exception of Director Tetreault

B. PUBLIC COMMENT

None

**C. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA
(Government Code Section 54957.7)**

Legal Counsel Schroeder – The Board adjourned into Closed Session regarding action items D-1 and D-2

D. CLOSED SESSION:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Government Code Section 54956.8

Property: 10+/- acres – APN 008-200-014 and 008-200-011 (Discovery Bay Athletic Club site)

Agency Negotiator: General Manager, Rick Howard

Negotiating parties: (Delta Community Presbyterian Church)

Under negotiation: Instruction to negotiator will concern price and terms of payment.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Government Code Section 54956.8

Property: 10+/- acres – APN 008-200-014 and 008-200-011 (Discovery Bay Athletic Club site)

Agency Negotiator: General Manager, Rick Howard

Negotiating parties: (Pilati Farms and Randy Prince)

Under negotiation: Instruction to negotiator will concern price and terms of payment.

**E. RETURN TO OPEN SESSION: REPORT ON CLOSED SESSION
(Government Code Section 54957.1)**

Legal Counsel Schroeder – The Board reconvened from Closed Session regarding action items D-1 and D-2. All Board Members were present during the entirety of the Closed Session with the exception of Director Tetreault. Regarding action item D-1 there is no reportable action. Regarding action item D-2 the reported action is – Addendum # 3 executed by the District and the seller of the property was ratified by unanimous vote of the Board of Directors. An extension of time addendum was unanimously approved by the Directors extending the condition time to December 5, 2012.

F. ADJOURNMENT

The meeting adjourned at 6:52 p.m. to the Regular Meeting on November 7, 2012 at 7:00 p.m. on 1800 Willow Lake Road

//cmc – 11.08.12

<http://www.todb.ca.gov/content/agenda-and-minutes/>



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

President - Chris Steele • Vice-President - Kevin Graves • Director - Jim Mattison • Director - Mark Simon • Director - Ray Tetreault

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY CSD
Wednesday November 7, 2012
REGULAR MEETING 7:00 P.M.
1800 Willow Lake Road, Discovery Bay, California
Website address: www.todb.ca.gov**

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

Call business meeting to order – 7:00 p.m. by President Steele
Pledge of Allegiance – Led by President Steele
Roll Call – All present with the exception of Director Tetreault

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

There were two Public Comment Speakers

C. PRESENTATIONS

None

D. AREA AGENCIES REPORTS / PRESENTATION

1. SHERIFF'S OFFICE REPORT

Lieutenant Alan Johnson – Provided the law enforcement report for the month of October. There was discussion between the General Manager, the Board and Lieutenant Johnson.

2. CHP REPORT

Officer Brewer – Introduced himself and provided an update of the services to the Town of Discovery Bay. There was discussion between the Board and Officer Brewer.

3. FIRE DISTRICT REPORT

Chief Burris – Provided his report and the details for the month of October. There was discussion between the Board and Chief Burris.

4. EAST CONTRA COSTA FIRE PROTECTION DISTRICT REPORT – No report

5. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT

President Steele – Stated that Karyn Cornell was not able to attend and he provided an update on several projects surrounding Discovery Bay.

E. COMMITTEE/LIAISON REPORTS

1. Trans-Plan Report – No Report

2. County Planning Commission Report – No Report

3. Code Enforcement Report – No Report

4. Special Districts Report** – No Report

****These meetings are held Quarterly**

F. 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. DRAFT Minutes of previous Regular meeting dated October 17, 2012

2. DRAFT Minutes of previous Special meeting dated October 30, 2012

3. Approve Register of District Invoices

4. Accept District Financial Report

5. Adopt and Approve Resolution No. 2012-27 for the Conflict of Interest Code Amendment for 2012
6. Approval of Notice of Exemption (CEQA) for Cornell Park Lighting Replacement Project
7. Approval of Notice of Exemption (CEQA) for Cornell Park Pickle Ball Courts Installation Project
8. Authorize purchase and replacement of Cornell Park Entry Sign

Motion by: Vice-President Graves to accept the Consent Calendar

Second by: Director Simon

Vote: Motion Carried: AYES: 4 – President Steele, Vice-President Graves, Director Mattison, Director Simon, NOES: 0 ABSENT: 1 – Director Tetreault

G. PUBLIC HEARING to Consider the Following

1. Rescind Resolution 2012-23 of the Town of Discovery Bay CSD amending Capacity Charge Fee Program (“Capacity Fee”) and Adopting Resolution No. 2012-28 amending Capacity Charge Fee Program

President Steele – Opened the Public Hearing

General Manager Howard – Provided details of item G-1. There was discussion between the Board and the General Manager. There was one Public Comment Speaker.

President Steele – Closed the Public Hearing

General Manager Howard – Provided additional information regarding item G-1

Motion by: Director Simon to rescind Resolution No. 2012-23 and adopt Resolution No. 2012-28 amending Capacity Charge Fee Program

Second by: Director Mattison

Vote: Motion Carried: AYES: 4 – President Steele, Vice-President Graves, Director Mattison, Director Simon, NOES: 0, ABSENT: 1 – Director Tetreault

H. NEW BUSINESS AND ACTION ITEMS

1. **Approve and Adopt Resolution No. 2012-29 Establishing a Revolving Fund Pursuant to Government Code §53952**

General Manager Howard – Provided details of item H-1.

Motion by: Vice-President Graves to rescind Resolution No. 2004-08 and adopt Resolution No. 2012-29 Establishing a Revolving Fund Pursuant to Government Code §53952

Second by: Director Simon

Vote: Motion Carried: AYES: 4 – President Steele, Vice-President Graves, Director Mattison, Director Simon, NOES: 0, ABSENT: 1 – Director Tetreault

2. **Purchase of the 4th UV module and programming upgrades for the Trojan Ultra Violet (UV) 3000 System**

General Manager Howard – Provided details of item H-2. There was one Public Comment Speaker.

Motion by: Vice-President Graves to authorize the purchase of the Trojan UV3000 module not to exceed including all cost of \$148,134.33

Second by: Director Mattison

Vote: Motion Carried: AYES: 4 – President Steele, Vice-President Graves, Director Mattison, Director Simon, NOES: 0, ABSENT: 1 – Director Tetreault

3. **Earth Day 2013 Project – Blue Star Memorial and Garden, Slifer Park**

General Manager Howard – Provided details of item H-3.

Parks and Landscape Manager – Provided additional details of item H-3. There was discussion between the Parks and Landscape Manager and the Board.

Motion by: Vice-President Graves to authorize staff to proceed with the Earth Day Blue Star Memorial Project with a budget not to exceed \$15,000.00

Second by: Director Simon

Vote: Motion Carried: AYES: 4 – President Steele, Vice-President Graves, Director Mattison, Director Simon, NOES: 0, ABSENT: 1 – Director Tetreault

4. **Acquisition of the Discovery Bay Athletic Club site and ongoing Facility Operational Considerations**

General Manager Howard – Provided details of item H-4. There was discussion between the General Manager and the Board. There were two Public Comment Speakers. The discussion continued between the General Manager and the Public.

Motion by: Director Mattison to allow staff to continue to gather the information and numbers and bring back to the Board at a time in the future with more information of what can be done with the Athletic Club.

Second by: Vice-President Graves

Vote: Motion Carried: AYES: 4 – President Steele, Vice-President Graves, Director Mattison, Director Simon, NOES: 0, ABSENT: 1 – Director Tetreault

I. PRESIDENT REPORT AND DIRECTORS' COMMENTS

Vice-President Graves – Provided his report and details of the Byron Union School District meeting dated October 18, 2012.

President Steele – Provided his report and details of the Byron Union School District meeting dated November 1, 2012.

J. MANAGER'S REPORT

None

K. GENERAL MANAGER'S REPORT

General Manager Howard – Stated that Staff has been supporting the Timber Point Mulch Garden Project. The next Board meeting dated November 21, 2012 will be cancelled and the next Board meeting will be December 5, 2012. The electronic sign board has been received and Staff is in the process of making operational.

L. DISTRICT LEGAL COUNSEL REPORT

None

M. COMMITTEE UPDATES

None

N. CORRESPONDENCE – Discussion and Possible Action

1. R – DRAFT East County Water Management Association Governing Board Representatives meeting report dated May 24, 2012
2. R – Discovery Bay P-6 Zone Citizen Advisory Committee meeting minutes dated June 18, 2012
3. R – Byron Municipal Advisory Council meeting minutes dated August 16, 2012

O. PUBLIC RECORD REQUESTS RECEIVED

1. Request from Talley – Community Center Survey Results – Request date October 12, 2012

P. FUTURE AGENDA ITEMS

1. Large Water User Report
2. Landscape Master Plan 2013-2014

Q. ADJOURNMENT

The meeting adjourned at 8:35 p.m. to the next regular meeting on December 5, 2012 starting at 7:00 p.m. at 1800 Willow Lake Road

//cmc – 11.15.12

<http://www.todb.ca.gov/content/agenda-and-minutes/>



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

December 5, 2012

Prepared By: Dina Breitstein, Finance Manager & Lesley Marable, Sr. Accounts Clerk
Submitted By: Rick Howard, General Manager

RH

Agenda Title

Approve Register of District Invoices

Recommended Action

Staff recommends that the Board approve the listed invoices for payment

Executive Summary

District invoices are paid on a regular basis, and must obtain Board authorization prior to payment. Staff recommends Board authorization in order that the District can continue to pay warrants in a timely manner.

Fiscal Impact:

Amount Requested \$239,033.49

Sufficient Budgeted Funds Available?: Yes (If no, see attached fiscal analysis)

Prog/Fund # See listing of invoices. **Category:** Operating Expenses and Capital Improvements

Previous Relevant Board Actions for This Item

Attachments

Request For Authorization to Pay Invoices for the Town of Discovery Bay CSD 2012/2013
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 8 2012/2013
Request For Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District # 9 2012/2013

AGENDA ITEM: F-3

**Request for authorization to pay invoices (RFA)
For the Meeting on December 05, 2012
Town of Discovery Bay CSD
For Fiscal Year's 7/12 - 6/13**

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
Administration				
American Retrofit Systems	265	Labor and Materials to install new board	11/07/12	\$250.00
Anderson, Calista	EXP REPORT NOV 2012	Expense Report Nov 2012	11/14/12	\$13.98
Blue Mountain Air	286 CUMBERLAND	Credit on Closed Account, Refund to Customer	11/27/12	\$2.15
Blue Mountain Air	5240 FERN RIDGE	Credit on Closed Account, Refund to Customer	11/27/12	\$36.19
Blue Mountain Air	5320 GOLD CREEK	Credit on Closed Account, Refund to Customer	11/27/12	\$1.07
Discovery Pest Control	474580	Pest Control Nov 2012	11/14/12	\$68.00
Freedom Mailing Service, Inc	21621	Residential Bill Processing	11/19/12	\$912.00
Lesley Marable	EXP REPORT NOV 2012	Expense Report Nov 2012	11/13/12	\$14.21
MailFinance	N3649365	Postage Lease Payment Dec-Jan	11/18/12	\$69.53
Neopost (Postage Account)	7900044908384658/11	Postage and Supplies	11/06/12	\$460.07
Neumiller & Beardslee	252104	Serviced Performed through 10/31/12	11/16/12	\$7,771.01
Neumiller & Beardslee	252104	Serviced Performed through 10/31/12 (Z57,Z61)	11/16/12	\$1,382.50
Office Depot	631221838001	Office Supplies	11/02/12	\$33.88
Office Depot	631221838001	Office Supplies (Z57,Z61)	11/02/12	\$26.18
Office Depot	631221899001	Office Supplies	11/08/12	\$4.75
Office Depot	632098100001	Office Supplies	11/09/12	\$92.10
Office Depot	633056003001	Office Supplies	11/16/12	\$17.33
SDRMA	12110	Ancillary Benefits Dec 2012	11/27/12	\$97.34
Sierra Display, Inc	17236	Banners (Z61)	11/15/12	\$1,787.63
Sierra Display, Inc	17236	Banners	11/15/12	\$136.39
Sue Heini	EXP REPORT NOV 2012	Expense Report Nov 2012 (Z57,Z61)	11/07/12	\$6.11
Theodore & Elizabeth Baumann	3663 OTTER BROOK	Credit on Closed Account, Refund to Customer	11/27/12	\$19.35
UPS	000012X417452	Shipping Charges	11/10/12	\$8.71
		Administration	Sub-Total	\$13,210.48
Water				
Discovery Locks & More	9410	Lock Hardware	11/16/12	\$87.68
Golden State Flow Measurement, Inc	I-36309	Registers for 5/8 water meters	11/13/12	\$396.10
J.W. Backhoe & Construction, Inc.	1766	Install 2 meter-Timber Point Elementary"	11/08/12	\$4,853.43
J.W. Backhoe & Construction, Inc.	1768	Water Leak at Beach Court	11/08/12	\$2,608.65
J.W. Backhoe & Construction, Inc.	1771	Water Leak at North Point	11/12/12	\$916.00
J.W. Backhoe & Construction, Inc.	1772	Water Leak Cherry Hill Dr	11/12/12	\$5,602.38
J.W. Backhoe & Construction, Inc.	1774	Raised Valve Can Newport & Hywy 4	11/14/12	\$450.00
J.W. Backhoe & Construction, Inc.	1778	Water leak Riverlake Rd	11/16/12	\$5,170.45
J.W. Backhoe & Construction, Inc.	1779	Hauled 6 tons cutback to Plant#2	11/16/12	\$1,620.92
J.W. Backhoe & Construction, Inc.	1780	Water Leak Cabrillo Point	11/16/12	\$2,766.95
J.W. Backhoe & Construction, Inc.	1781	Replace ball valve Cabrillo Point	11/16/12	\$895.30
J.W. Backhoe & Construction, Inc.	1782	Water Leak Clipper Dr	11/16/12	\$4,827.00
J.W. Backhoe & Construction, Inc.	1784	Paved Beaver Ct, Riverlake Rd, Clipper Dr	11/16/12	\$5,217.80
J.W. Backhoe & Construction, Inc.	1785	Water Leak Cabrillo Pt	11/16/12	\$675.00
Luhdorff & Scalmanini	28288	General Engineering, Well Evaluation	10/31/12	\$7,825.00
Neumiller & Beardslee	251967	SWWC Services Litigation	11/14/12	\$1,395.89
Neumiller & Beardslee	252104	SWWC Services Litigation	11/16/12	\$817.00
Pacific Gas & Electric	29437218075/1112	Electric & Gas Bill 10/09/12-11/07/12	11/14/12	\$25,984.89
SDRMA	12110	Ancillary Benefits Dec 2012	11/27/12	\$7.26
Univar	SJ522242	Chemicals Delivered 11/09/12	11/09/12	\$301.84
Veolia Water North America	20900	R&M May 2011-Dec 2011 Retro	10/16/12	\$8,766.33
Veolia Water North America	21829	R&M Oct 2012	11/06/12	\$22,169.88
		Water	Sub-Total	\$103,355.75
Wastewater				
Discovery Locks & More	9410	Lock Hardware	11/16/12	\$87.69
J.W. Backhoe & Construction, Inc.	1773	Raised 8 manholes and 4 valve cans	11/14/12	\$9,800.00
Neumiller & Beardslee	251967	SWWC Services Litigation	11/14/12	\$2,093.85
Neumiller & Beardslee	252104	Serviced Performed through 10/31/12	11/16/12	\$150.00
Pacific Gas & Electric	73121157587/1112	Electric & Gas Bill 10/09/12-11/07/12	11/08/12	\$30,849.83
SDRMA	12110	Ancillary Benefits Dec 2012	11/27/12	\$10.92
Stantec Consulting Services Inc	638994	UV Disinfection update for Master Plan	11/12/12	\$588.00
Sue Heini	EXP REPORT NOV 2012	Expense Report Nov 2012	11/07/12	\$9.99
Van De Pol Enterprises, Inc.	0289013-IN	Diesel Fuel	11/21/12	\$340.35
Veolia Water North America	20900	R&M May 2011-Dec 2011 Retro	10/16/12	\$13,149.49
Veolia Water North America	21829	R&M Oct 2012	11/06/12	\$32,794.33

			Wastewater	Sub-Total	\$89,874.45
Community Center					
American Retrofit Systems	264	Survey Comm. Center		11/07/12	\$300.00
GreenPlay LLC	3520	Club Operations Management Structure Facilitation		11/20/12	\$2,419.40
Hulberg & Associates	10747	Comm. Center Property Appraisal		11/20/12	\$2,750.00
Neumiller & Beardslee	251966	Community Center Purchase		11/14/12	\$13,531.31
Neumiller & Beardslee	252104	Serviced Performed through 10/31/12		11/16/12	\$387.00
			Community Center	Sub-Total	\$19,387.71
				Grand Total	\$225,828.39

Request For Authorization To Pay Invoices (RFA)
For the Meeting on December 05, 2012
Town of Discovery Bay, D.Bay L&L Park #8
For Fiscal Year's 7/12 - 6/13

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
American Retrofit Systems	267	Install power wire & breaker for dump trailer	11/23/12	\$290.00
Brentwood Reprographics	2012-3897	Cornell Park Lighting	11/21/12	\$27.54
Brentwood Tire Company	27124	V#108 Tire Replacement	11/21/12	\$200.00
Neumiller & Beardslee	252104	Serviced Performed through 10/31/12	11/16/12	\$656.25
Office Depot	631221838001	Office Supplies	11/02/12	\$14.14
Pacific Gas & Electric	593973442515/1112	Electric & Gas Bill 10/16/12-11/14/12	11/14/12	\$6,264.27
ProPet Distributors, Inc.	91230	Dogipot Bags	11/16/12	\$851.16
Sierra Display, Inc	17236	Banners	11/15/12	\$2,939.68
Town of Discovery Bay	48	NOE's for Cornell Park	11/16/12	\$100.00
Valley Crest Landscaping	1893640	Irrigation repairs at Newport	11/16/12	\$335.00
Valley Crest Landscaping	4128449	Misc irrigation repairs	11/16/12	\$496.00
			Total	\$12,174.04

Request For Authorization To Pay Invoices (RFA)
For the Meeting on December 05, 2012
Town of Discovery Bay, D.Bay L&L Park #9 (Ravenswood)
For Fiscal Year's 7/12 - 6/13

<u>Vendor Name</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Date</u>	<u>Amount</u>
Brentwood Tire Company	27050	Oil Change, Vehicle #102	11/13/12	\$40.83
Brentwood Tire Company	27124	V#108 Tire Replacement	11/21/12	\$147.14
Neumiller & Beardslee	252104	Serviced Performed through 10/31/12	11/16/12	\$656.25
ProPet Distributors, Inc.	91230	Dogipot Bags	11/16/12	\$186.84
			Total	\$1,031.06



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

December 5, 2012

Prepared By: Rick Howard, General Manager
Submitted By: Rick Howard, General Manager

Agenda Title

Release of partial retention – Discovery Bay Dewatering Project

Recommended Action

It is recommended that the Board authorize the release of 50% of the retention to Conco West Inc. for work associated with the Dewatering Capital Improvement Program Project

Executive Summary

Conco West is the General Contractor performing construction related activities associated with the Dewatering Capital Improvement Project at Wastewater Treatment Plant # 2. That contract was awarded by the Board after a competitive bidding process.

The project is approximately 95% complete, and the contractor is working on punch list items as well as preparing for the final concrete pour associated with the wall structure for Solar Pad #4.

The contractor has completed all work according to the plans and specifications, and there have been no claims or stop notices associated with the project.

Public Contracts Code Section 9203 provides for a public agency the ability at any time after a project is 50% or more complete to return a portion of the retention, generally 5% of the retention amount to date.

Staff and the District Engineer have reviewed all work to date and recommend a return of 50% of the retention to date, or \$65,569.82.

Fiscal Impact:

Amount Requested \$65,569.82

Sufficient Budgeted Funds Available?: Included in retention account (If no, see attached fiscal analysis)

Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# XX Fund#

Previous Relevant Board Actions for This Item

Award of Contract – Conco West – February 10, 2012

Attachments

None

AGENDA ITEM: F-4



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

December 5, 2012

Prepared By: Fairin Perez, Parks & Landscape Manager
Submitted By: Rick Howard, General Manager

RH

Agenda Title

Approval of contract extension to Odyssey Landscaping, Inc. for Discovery Bay Zone 9 & Contra Costa County Zones 35, 57 & 61

Recommended Action

Approve and authorize Staff to execute one-year contract extension to Odyssey Landscaping, Inc. for Discovery Bay Zone 9 and Contra Costa County Zones 35, 57 & 61 in the monthly amount of \$10,224.75

Executive Summary

The Landscape Maintenance Contract for Discovery Bay Zone 9 and Contra Costa County Zones 35, 57 & 61 is set to expire January 3, 2013. The contract allows for two one-year contract extensions, at the District's discretion. The terms of the extension include an automatic adjustment based on the current year's Consumer Price Index for the San Francisco area.

The quality and timeliness of Odyssey's work is consistent. Their management team quickly responds to issues as they arise, keeps staff informed of progress and effectively manages a very knowledgeable grounds crew.

Staff is recommending that the District invoke the first of the two one-year extensions. All terms and conditions of the original contract, including price and performance standards would remain unchanged, except for the fertilization modifications noted with the attached contract extension letter.

The total monthly cost, including the CPI increase, contract modification adjustments amounts to \$10,224.75; which represents a \$369.75 monthly increase.

Fiscal Impact:

Amount Requested \$122,697.00 (Annual)
Sufficient Budgeted Funds Available?: Yes
Proj/Fund # Zone # 9, 35, 57 & 61 Category: 2282

Previous Relevant Board Actions for This Item

December 1, 2010 – Contract with Odyssey landscape, Inc. authorized by the Board of Directors

Attachments

Draft Contract Extension Letter – Odyssey Landscaping, Inc.

AGENDA ITEM: F-5



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

President - Chris Steele • Vice-President - Kevin Graves • Director - Jim Mattison • Director - Mark Simon • Director - Ray Tetreault

December 6, 2012

Odyssey Landscaping, Inc.
Attn: David Silva
5400 West Highway 12
Lodi, CA 95242

Re: Contract for Landscape Maintenance Services , DB Zone 9 & CCC Zones 35, 57 & 61
Expiration & Extension

Dear Mr. Silva,

The above referenced contract, entered into upon January 3, 2011, is set to expire January 3, 2013. Per Section E "Term" of the Contract, the Town of Discovery Bay Community Services District would like to exercise the first of the two one-year extensions. This would extend your current contract to **January 3, 2014**.

All terms and conditions of the original contract, including price and performance standards would remain unchanged, with the following exceptions;

1.) Compensation as outlined in Exhibit D shall be adjusted by the annual Consumer Price Index, in the San Francisco area. Adjustments shown below have been calculated using the August 2012 Consumer Price Index published by the Bureau of Labor Statistics. Annual increase of 2.8% (rounded to the nearest whole dollar).

• Monthly Base Contract Amount:	\$10,131.00
• Monthly contract adjustment (See 2 & 3 below):	\$ 93.75
<hr/>	
• Total Monthly Contract Amount:	\$10,224.75

2.) Exhibit "E" – Long Term Maintenance, Section 3.01.G.1 "Fertilizing" shall now include an additional application, in March, of the following product:

ArableOne at a rate of 1.5 Quarts per acre

3.) Exhibit "E" – Turf Maintenance and Renovation, Section 2.03 "Fertilizer" shall not be revised to:

Turf shall be fertilized per the following type and application schedule:

March – ArableOne, at a rate of 1.5 Quarts per acre

May - "Best Turf Supreme" (16-6-8) Manufacturers recommended rate

July – Turf Gold (22-5-6) Manufacturers recommended rate

September – ArableOne, at a rate of 1.5 Quarts per acre

November – NitraKing (19-4-4) Manufacturers recommended rate

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

Telephone • 925.634.1131 • Fax • 925.513.2705

www.todb.ca.gov

If you wish to continue the contract, as outlined above, please confirm your intentions by signing below and returning to our office by December 14th, 2012. Failure to notice our office will be considered as notification that you do not wish to accept the current offer and the District will take necessary stopper to secure another contractor.

Any questions, concerns or need for additional information can be addressed to our Parks and Landscape Manager, Fairin Perez, at (925) 303.0443.

Sincerely,

Rick Howard
General Manager
Town of Discovery Bay CSD

Accepted By:

Rick Howard, General Manager Date

Odyssey Landscape Date
By:

DRAFT



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

December 5, 2012

Prepared By: Rick Howard, General Manager

Submitted By: Rick Howard, General Manager *RH*

Agenda Title

Board Member Compensation

Recommended Action

As necessary

Executive Summary

Subsequent to the California Legislature's overhaul of Community Service District law in 2006, the Town of Discovery Bay Board of Director's has been compensated pursuant to the revisions included in that legislation. Government Code §61047(a) states that the Board of Directors may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100) for each day of service. A member of the Board of Directors shall not receive compensation for more than six days of service in a month. This is and has been the manner in which Board Members are compensated for many years. To date, there has never been an effort to adjust Board compensation.

Government Code §61047(b) provides that the Board of Directors, by ordinance adopted pursuant to Chapter 2 (commencing with (Government Code) Section 20200) of Division 10 of the Water Code, may increase the amount of compensation that may be received by members of the Board of Directors.

Government Code §20201 specifically allows that the governing board of any water district..."may increase the compensation received by members of the governing board above the amount of one hundred dollars (\$100) per day." Government Code §20202 goes on to say... "In any ordinance adopted pursuant to this chapter to increase the amount of compensation which may be received by members of the governing board of a water district above the amount of one hundred dollars (\$100) per day, the increase may not exceed an amount equal to 5 percent, for each calendar year following the operative date of the last adjustment, of the compensation which is received when the ordinance is adopted."

Board Members are reimbursed for mileage, travel, and other business related expenses. However, Board Members are not reimbursed for other expenses such as phone expenses (including cellular), paper, toner, and other miscellaneous costs incurred as a consequence of their activities as a member of the Board of Directors.

If the Board desires to pursue this action, staff would recommend that the Board authorize, pursuant to an Ordinance, increasing Board Member compensation 5% annually, on January 1st of each year. This action would require two subsequent Board meetings consisting of a first reading and then an approval of the Ordinance itself, and a revision of the Board's By-Laws and Board Policy. Those revisions would take place concurrently with the adoption of the Ordinance.

Fiscal Impact:

Amount Requested \$1,800 annually plus 5% per year thereafter (maximum expenditure possibility)

Sufficient Budgeted Funds Available?: YES (If no, see attached fiscal analysis)

Prog/Fund # Category: Pers. Optg. XX Cap. -or- CIP# Fund#

Previous Relevant Board Actions for This Item

N/A

Attachments

AGENDA ITEM: G-1



Town of Discovery Bay

"A Community Services District"

AGENDA REPORT

Meeting Date

December 5, 2012

Prepared By: Rick Howard, General Manager
Submitted By: Rick Howard, General Manager *RH*

Agenda Title

Request to Establish Standing Community Center Committee

Recommended Action

As necessary

Executive Summary

The Community Center Sub Committee has met and recommended that a Community Center Standing Committee be established consisting of a five-member committee comprised of two Board members and three at-large members of the public.

The Community Center Sub Committee is seeking Board support for the establishment of the Standing Committee.

Fiscal Impact:

Amount Requested \$ N/A
Sufficient Budgeted Funds Available?: (If no, see attached fiscal analysis)
Prog/Fund # Category: Pers. Optg. Cap. -or- CIP# Fund#

Previous Relevant Board Actions for This Item

Attachments

None

AGENDA ITEM: G-2



No Back Up
Documentation For
Agenda Item # H



No Back Up
Documentation For
Agenda Item # I



No Back Up
Documentation For
Agenda Item # J



No Back Up
Documentation For
Agenda Item # K



No Back Up
Documentation For
Agenda Item # L

NOV 06 2012

**STATE ROUTE 4 BYPASS AUTHORITY
Antioch - Brentwood - Oakley and Contra Costa County**

JOINT EXERCISE OF POWERS AGENCY

August 9, 2012

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Tri Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California by Chair Bob Taylor at 7:54 P.M.

ROLL CALL

PRESENT: Jim Frazier (Oakley), Gary Agopian (Alternate for Brian Kalinowski, Antioch), Mary N. Piepho (Contra Costa County Board of Supervisors), and Chair Robert Taylor (Brentwood)

ABSENT: None

STAFF: Steve Kowalewski, Deputy Director, Contra Costa County Public Works Department; Interim Program Manager
David Schmidt, Legal Counsel

PUBLIC COMMENT

Bruce Ohlson referred to the opportunity for the Mokelumne Trail presented by the future eBART station in Brentwood noting that the East Bay Bicycle Coalition Board had suggested that the construction of the Mokelumne Trail overcrossing be considered in conjunction with the eBART construction to allow access to the station from both sides in the median of the overcrossing. When advised by Mr. Kowalewski that a separate action had freed up some Measure J money to start the design of the Mokelumne Trail overcrossing, Mr. Ohlson emphasized that bicyclists needed and desired the overcrossing but suggested that the eBART construction might facilitate more than the design funds and might move the overcrossing project on to construction.

Mr. Kowalewski stated that he would forward that suggestion to Contra Costa Transportation Authority (CCTA) staff to see if there might be some opportunity to coordinate the two projects to provide a dual-purpose overcrossing when eBART expands in the future.

CONSENT ITEMS

On motion by Director Frazier, seconded by Director Piepho, the Authority unanimously adopted the Consent Items, as follows:

- A. APPROVED minutes of June 14, 2012 meeting.

- B. APPROVED amendments to Consulting Services Agreements with the following consultants (no payment limit increases) to extend the term of the existing agreements through the dates listed below, and AUTHORIZED the Secretary or designee to sign the amendments on behalf of the Authority.
1. Lucy Owens – Right-of-way services for the right-of-way transfer of the SR4 Bypass to Caltrans, as well as property to Contra Costa County, Antioch, and Brentwood (September 30, 2012).
 2. Zwemmer Land Surveying – Right-of-way engineering services for the right-of-way transfer of the SR4 Bypass to Caltrans (September 30, 2012).
- C. THE BOARD TOOK THE FOLLOWING ACTIONS:
1. ADOPTED Resolution No. 2012/08 to convey to the State of California real property associated with Segment 2 of the State Route 4 Bypass. *(Required unanimous vote of the Board) (Continued from June 14, 2012 meeting.)*
 2. DIRECTED the Real Property Division to deliver the Quitclaim Deed to the grantee for acceptance and recording.
- D. THE BOARD TOOK THE FOLLOWING ACTIONS:
1. ADOPTED Resolution No. 2012/09 to convey to the State of California real property associated with Segment 3 (Mainline) of the State Route 4 Bypass. *(Required unanimous vote of the Board) (Continued from June 14, 2012 meeting.)*
 2. DIRECTED the Real Property Division to deliver the Grant Deed to the grantee for acceptance and recording.
- E. THE BOARD TOOK THE FOLLOWING ACTIONS:
1. ADOPTED Resolution No. 2012/10 to convey to the State of California real property associated with Segment 3 (Marsh Creek Road) of the State Route 4 Bypass. *(Required unanimous vote of the Board) (Continued from June 14, 2012 meeting.)*
 2. DIRECTED the Real Property Division to deliver the Grant Deed to the grantee for acceptance and recording.

BOARDMEMBER COMMENTS

There were no Boardmember comments.

CORRESPONDENCE

There was no correspondence.

Chair Taylor adjourned into closed session at 7:56 P.M.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Government Code Section 54956.9(a))

Case Name: Soldano vs. McDonald, et al.; Contra Costa County Superior Court Case No. MSC11-01176

The meeting reconvened from closed session at 8:09 P.M.

Legal Counsel Schmidt advised that there was nothing to report out of the closed session.

ADJOURNMENT

Chair Taylor adjourned the meeting of the State Route 4 Bypass Authority at 8:10 P.M. to the next meeting scheduled for Thursday, September 13, 2012.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

STATE ROUTE 4 BYPASS AUTHORITY
Antioch - Brentwood - Oakley and Contra Costa County

TownOfDiscoveryBay CSD
Received
NOV 06 2012

JOINT EXERCISE OF POWERS AGENCY

September 13, 2012

The STATE ROUTE 4 BYPASS AUTHORITY meeting was called to order in the Tri Delta Transit Meeting Room, 801 Wilbur Avenue, Antioch, California, by Chair Bob Taylor at 7:34 P.M.

ROLL CALL

PRESENT: Jim Frazier (Oakley), Brian Kallinowski (Antioch), Mary N. Piepho (Contra Costa County), and Chair Robert (Bob) Taylor (Brentwood)

ABSENT: None

STAFF: Steve Kowalewski, Deputy Director, Contra Costa County Public Works Department (Interim Program Manager)
David Schmidt, Legal Counsel

The closed session was moved to the end of the agenda.

PUBLIC COMMENT

There were no comments from the public.

CONSENT ITEMS

On motion by Director Piepho, seconded by Director Frazier, the Authority unanimously adopted the Consent Items, as follows:

A. THE BOARD TOOK THE FOLLOWING ACTIONS:

1. APPROVED the Right-of-Way Contract between Contra Costa Water District and the Authority for the acquisition of an electrical distribution easement for Pacific Gas & Electric Company for the Sand Creek Road Interchange project.
2. AUTHORIZED the Secretary or designee to finalize and execute said Right-of-Way Contract on behalf of the Authority.
3. APPROVED total payment of \$1,000.00 and AUTHORIZED the Auditor-Controller to issue a check in said amount payable to Contra Costa Water District to be forwarded to the Real Estate Division for delivery.

4. DIRECTED the Real Estate Division of the County Public Works Department to work with PG&E to have the above referenced easement recorded in the office of the Contra Costa County Recorder.

DETERMINATION ITEMS

A. RECEIVE Status Report on the State Route 4 Bypass Projects

Interim Program Manager Steve Kowalewski noted that at the last meeting Bruce Ohlson had asked that staff meet with BART to coordinate the Mokelumne Overcrossing with eBART, which he had done by phone. He noted that BART had a preliminary layout in the median of the SR4 Bypass, and the Contra Costa Transportation Authority (CCTA) was moving forward with a design for the Mokelumne Overcrossing. Mr. Kowalewski asked BART and CCTA if there could be coordination, partnership, cost sharing, or designing facilities to complement each other. There was agreement by BART and CCTA staff to see what could be done in that regard.

Director Piepho wanted to make sure the record was clear that BART had been contacted and was a willing, cooperative participant.

Mr. Kowalewski added that Jack Hall, CCTA's Project Manager, had stated that he would include BART in CCTA's design reviews.

Director Frazier agreed with the need to memorialize that discussion, in writing, from the SR4 Bypass Authority Board to BART.

Chair Taylor adjourned into closed session at 7:38 P.M.

CLOSED SESSION

- A. PUBLIC EMPLOYEE APPOINTMENT
Title: Transportation Program Manager
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Government Code Section 54956.9(a))
Name of Case: *Soldano vs. McDonald, et al.*; Contra Costa County Superior Court Case No. C11-01176
- C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of litigation pursuant to Government Code Section 54956.9(c): One case

Chair Taylor reconvened from closed session at 7:47 P.M.

Legal Counsel David Schmidt advised that there was nothing to report from closed session.

BOARDMEMBER COMMENTS

There were no Boardmember comments.

CORRESPONDENCE

There was no correspondence.

ADJOURNMENT

Chair Taylor adjourned the meeting of the State Route 4 Bypass Authority at 7:48 P.M. to the next meeting scheduled for Thursday, October 11, 2012.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

FINAL

TownOfDiscoveryBay CSD
Received

OCT 31 2012



**CONTRA COSTA COUNTY
AVIATION ADVISORY COMMITTEE
MINUTES OF MEETING
September 13, 2012**

MEETING CALLED: The meeting was called to order by Chair Mike Bruno at 10:42 a.m. at the Director of Airport's Office.

PRESENT: Mike Bruno, Chair, CCC Airports Business Association
Keith McMahon, City of Concord
David Pfeiffer, Secretary, District V
Rich Spatz, At Large 2
Rudi Raab, District I
Tom Weber, Vice Chair, District IV

ABSENT: Derek Mims, City of Pleasant Hill
Janet Kaiser, Diablo Valley College
Ronald Reagan, District III
Russell Roe, District II
Ed Young, At-Large 1

STAFF: Keith Freitas, Director of Airports

**OPENING COMMENTS
BY CHAIR:** Mike Bruno apologized for the meetings late start due to his confusion as to which airport the meeting was being held.

**PUBLIC COMMENT
PERIOD:** None

**APPROVAL OF
MINUTES:** Moved by Rich Spatz; seconded by David Pfeiffer. Approved unanimously. Tom Weber Abstained.

**APPROVAL OF
CONSENT ITEMS:** Moved by Tom Weber; seconded by Rich Spatz. Approved unanimously.

PRESENTATION/SPECIAL REPORTS: Tom Weber awarded one of this year's two AAC Tenant Recognition Awards to the Experimental Aircraft Association (EAA) Young Eagles Program. Bill Reining accepted the plaque on behalf of the EAA and all those involved in making the Young Eagles Program a

success. Approximately 28,000 children have participated in the Young Eagles Program at Buchanan Field Airport.

DISCUSSION/ACTION ITEMS:

a. **Items Pulled from Consent**

N/A

b. **Buchanan Field Runway Project Update**

Keith Freitas reported that the project on Runway 19R/1L project was completed on September 12, 2012. The asphalt repair and replacement overlay, grooving and painting is complete and scheduled some additional painting on Runway 14L/32R to meet Federal Aviation Administration (FAA) standards. Feedback to the project has been positive from the pilots.

Mike Bruno commented that the Airport staff communication outreach was very useful and very helpful in keeping the Airport community updated. Mike further congratulated Airport staff for an excellent job in keeping everyone informed.

c. **Southwest Ramp and Hangar Reuse Update**

Keith Freitas gave a brief overview of the topic. Airport staff is looking at the following two items:

1. Reopening the executive hangars; however, there are maintenance issues that need to be resolved before they can become available.
2. Reopening the clubhouse. The Airport staff has been approached by several of the clubs who would like to use the clubhouse. Airport staff decided to reopen the clubhouse as a general clubhouse where any entity could use the facility. There has been huge support from the EAA and Mt. Diablo Pilots Association who have donated their time to make some huge improvements at the facility. Airport staff is aiming to have the clubhouse reopen by December so that the clubs can use the clubhouse for their holiday events.

These two areas will remain a part of a larger development project site should someone wish to develop that area and there is an understanding that those parties using the executive hangars and clubhouse will then have to be relocated once again.

d. **Status of Byron Airport Inspections**

Keith Freitas reported that Byron Airport hangar tenants are going through the inspections process similar to those performed at Buchanan Field Airport a few years back. Approximately 19 hangars were scheduled for inspection today. Inspections will continue over the next couple weeks; a total of 85 hangars will be inspected. Inspections are being done to ensure tenants are being compliant with their lease agreements that the hangars are being used for aviation purposes as required by the FAA, and building inspection and fire district requirements are being met for safety purposes. Airport staff plans on performing these inspections every couple years to ensure ongoing compliance.

UPDATES/ANNOUNCEMENTS

a. Airport Committee Update

No report. Next meeting is scheduled for September 24, 2012, at 12:30.

b. What is happening at Buchanan Field & Byron Airports/Other Airports

Keith Freitas reported the next big construction project is for pavement maintenance/reconstruction and crack sealing at the Byron Airport with anticipation of going after an Federal Aviation Administration (FAA) grant next year.

c. Update from Airport Business Association

Mike Bruno reported that Sterling has had a really good month. Not back to the levels of 2006/2007 but are starting to improve.

After a two year endeavor Sterling received its Part 135 Air Carrier Certificate out of Reno, Nevada. Sterling is hoping within the next two years, now that the FAA has hired additional operations inspectors, to be able to transfer the certificate and operate out of Buchanan Field.

Mike commented that although not all the businesses are showing improvement it appears that aviation in general may be improving.

d. AAC Announcements

- Tom Weber reported that the Airport Land Use Commission (ALUC) cancelled its last meeting. Byron Jet Center will be making a presentation to the ALUC at a special meeting to discuss their foundation.
- Mike Bruno reported that next AAC meeting will be scheduled at Byron Airport and Bay Area Skydiving will be receiving their AAC Tenant Recognition Award for their participation with the Santa Skydive Event.

e. Airport Staff Announcements

None

FUTURE AGENDA ITEMS

Next meeting scheduled for Thursday, October 11 at 10:00 a.m. at Byron Airport.

ADJOURNMENT: The meeting was adjourned by the Chair at 11:10 a.m.

NOV 29 2012

Office of Supervisor Mary N. Piepho
Contact: Karyn Cornell
3361 Walnut Blvd, Suite 140
Brentwood, CA 94513
925-240-7260

Respectfully submitted by: _____

Byron Municipal Advisory Council



The Byron Municipal Advisory Council serves as an advisory body to the Contra Costa County Board of Supervisors and the County Planning Agency.

DRAFT

Record of Actions

Meeting start time: 6:00 p.m.
Thursday, October 18, 2012

- 1.) Meeting called to order by Chair Juarez at 6:00p.m. Councilmember Lopez absent.
- 2.) **Public Comment:** Discussion regarding participation at upcoming events promoting the Heart Safe Communities Program.
- 3.) **Review of Record of Actions of 9-20-12 meeting:** Vice Chair Schmit made a motion to accept the Record of Actions as prepared. Second made by Councilmember Larsen. Motion carried 4-0.
- 4.) **Agency Reports**
 - a.) **East Contra Costa Fire Protection District:** Field Representative Cornell distributed the calls for September
 - b.) **Contra Costa County Sheriff's Department:** Lt. Johnson discussed the recent skydiving fatality.
 - c.) **California Highway Patrol:** No report
 - d.) **Office of Supervisor Mary N. Piepho:** Field Representative Cornell reported on the following items: the Department of Conservation and Development 2013/2014 Community Development Block Grant applications are due December 10th; provided a list of the current openings on District III Committees; provided information regarding an upcoming Kaiser event; distributed the 10-23-12 Zoning Administrator agenda; discussed the current terms of the Byron MAC members ending on December 31st; provided an update on the Byron Sewer Pipe Replacement project; discussed the November and December meeting schedule.
- 5.) **Items for Discussion and/or Action**
 - a.) **Discuss e-BART proposed station locations:** Field Representative Cornell distributed materials provided to the Board of Supervisors by e-BART staff regarding several proposed station locations. The MAC members discussed their desire for SR239 to be taken into consideration and that the Sand Creek site seemed desirable as it would be centrally located.
 - b.) **Discuss Byron MAC P.O. Box extension:** Item continued.
- 6.) **Correspondence Key:** R= Received S= Sent
 - a.) R-9/24/12 Contra Costa County Zoning Administrator Agenda for Monday, September 24, 2012
 - b.) R-9/25/12 Contra Costa County Planning Commission Meeting Agenda for Tuesday, September 25, 2012
 - c.) R- 10/1/12 Contra Costa County Zoning Administrator Agenda for Monday, October 1, 2012
 - d.) R-10/9/12 Contra Costa County Planning Commission Meeting Cancellation Notice for Tuesday, October 9, 2012
 - e.) R-10/15/12 Contra Costa County Zoning Administrator Agenda for Monday, October 15, 2012
- 7.) **Councilmember Comment/Future Agenda Item:**
 - a.) Meeting location
- 8.) Adjourned at 7:03p.m. to next meeting scheduled for December 4, 2012 at 6:00p.m

This meeting record is provided pursuant to Better Government Ordinance 95-6, Article 25-2.205(d) of the Contra Costa County Ordinance Code.



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

President - Chris Steele • Vice-President - Kevin Graves • Director - Jim Mattison • Director - Mark Simon • Director - Ray Tetreault

November 16, 2012

John Osborne, Senior Planner
Department of Conservation and Development
Community Development Division
30 Muir Road Martinez, CA 94553

RE: **Newport Pointe Residential Project.**
County File #'s GP08-0002, RZ09-3241, SD09-9278 & DP09-3029.

Dear Mr. Osborne:

The Town of Discovery Bay Community Service District (TODBCSD) has reviewed the Mitigated Negative Declaration and Initial Study (MND/IS) for the above identified Project and provides the following comments and issues to be addressed prior to approval of this Project.

Comment #1 Air Quality:

In the MND/IS at page 9 of 58 the Mitigation Measure AIR-1 with respect to "all exposed surfaces shall be watered two times per day" should be modified to be required "four times per day during dry or windy conditions" due to the fine particulate matter related to the soils in the area.

Comment #2 Biology:

In the MND/IS at page 13 of 58 the analysis identifies a ditch immediately adjacent to the eastern project boundary. The TODBCSD notes that ditch always contains water, is influenced by tide and connected to Kellogg Creek. Mitigation should insure that Kellogg Creek and its related species are not impacted by this Project.

Comment #3 Hydrology and Water Quality:

In the MND/IS at page 36 of 58 the analysis under item 9 (b) Hydrology and Water Quality focuses on the shallow "perched" water table, as opposed to the deeper aquifer systems which TODBCSD and other municipalities utilize for water supplies.

The project will result in increased water demand thereby having a direct effect on the quantity of groundwater extracted from the aquifer system from TODBCSD wells. The increased water demand also contributes towards the need for the new water supply well that was identified in the 2012 Water Master Plan as Capital Improvement Project (CIP) Item 1a, as well as other water capacity expansion improvements. The need for a groundwater basin assessment was also recommended in the 2012 Water

Master Plan to assess long term groundwater basin impacts caused by future growth in the system (CIP Item 5).

The Water Master Plan indicates that reliability of the future growth in water supply "is based on an assumption that the yield of groundwater system is sufficient to sustain current and future pumping."

The Water Master Plan specifically states that Capital Improvement Project recommendations are made to ensure that a proper basis is established on which to judge the sustainability of the water supply system. Since evidence suggests that under the current level of use groundwater is sustainable, there is however an open issue with respect to future growth and the TODBCSD has determined that a groundwater basin assessment (CIP Item 5) must be conducted to establish this basis. In preparing the Water Master Plan, the discussion of sustainability was in the context of build-out growth as opposed to small increments, such as this Project. While your analysis concludes that the increment of increased demand by this project will likely not have a significant effect, it should be recognized that TODBCSD is entering into a phase of growth where the sustainability is a significant concern. It is recommended that the discussion of sustainability be revised to reflect the current view of sustainability and that a Mitigation Measure be included to provide that analysis be conducted which contributes to the quantification of sustainable groundwater resources from the underlying aquifer system.

Comment # 4 Utilities and Service Systems

In the MND/IS at page 56 of 58 the analysis under this section does not adequately describe the water utility component on which to base the level of impact to existing water supplies. For example, in order to assess a level of impact, this section must describe the following:

- water demand estimates for residential and irrigation in terms of annual, maximum day, fire flows and peak hour;
- a description of the water system (accompanied by a figure);
- landscape irrigation system discussion and water demand estimates;
- discussion of "water efficiency" measures for indoor/outdoor applications and water metering (California Plumbing Code and AB 2572).

The TODBCSD requests that a Mitigation Measure be added requiring the development to install a water well site to provide a new domestic source of water to add capacity to serve the proposed development, and additional future water district service connections. Easement rights to connect the new well location to the Water Treatment Plant located on Newport Drive will also be necessary.

Comment # 5 Utilities and Service Systems

In the MND/IS at page 56 of 58 the text under item 17 (d), at the third paragraph reads: *"New development would be responsible for the costs to construct improvements that are necessary only to serve new development. The existing water supply and delivery system would need to be expanded (new well pumps, construction of new water supply well to serve the Newport Water Treatment Plant) (Water MP*

2012)." This statement infers which facilities will be the responsibility of new developments. This statement should be removed. Rather, the responsibility of new development should be determined through a Service Agreement with TODBCSD.

Furthermore, the 2012 Water Master Plan identified improvements beyond what is listed in the above statement that are necessary to expand capacity to serve existing and future developments. For reference, these improvements include: Well 1B pump upgrades (CIP Item 1d); new supply well (CIP Item 1a); new storage tank (CIP Item 4a); and new filter, backwash tank, recycle pumps and modified controls (CIP Items 2a, 2b and 2c).

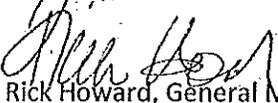
Comment # 6 Mandatory Findings of Significance

In the MND/IS at page 58 of 58 the analysis under item 18 (b) does not include a discussion of nearby development projects to form a basis for cumulative impacts. For example, the 2012 Water Master Plan and the Pantages DEIR (both referenced in the Environmental Checklist) identified nearby projects which should be noted in this discussion.

The assessment of cumulative water supply impacts should be assessed and should recognize that the TODBCSD is currently within an established groundwater management area and actively participates in the following: California Statewide Groundwater Elevation Monitoring (CASGEM) that includes a groundwater elevation monitoring program to track seasonal and long-term trends in groundwater elevations; the Integrated Regional Water Management (IRWM) program that consists of a collaborative effort to manage water resources in the region; and East County Water Management Association (ECWMA) which is comprised of water agencies (TODBCSD is a member), wastewater agencies, flood control districts, and watershed management groups within the eastern portion of Contra Costa County (East County). These programs and organizations are aimed at managing local water supplies to improve the quality, quantity, and reliability. Relevant information available from these programs should be used to address cumulative water supply impacts.

On behalf of the Town of Discovery Bay Community Service District, we appreciate the opportunity to comment and also your attention to the above raised issues. If you have any questions or would like to discuss these issues further, please feel free to contact me directly.

Sincerely,


Rick Howard, General Manager
Town of Discovery Bay CSD

RH/cá
Cc: Board of Directors