



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



## SDLF Platinum-Level of Governance

PLATINUM LEVEL

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 June 2, 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 Bryon Gutow.
2. Pledge of Allegiance – Led by President Bryon Gutow.
3. Roll Call – All present. Vice President Kevin Graves participated via teleconference.

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

None.

**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 May 19, 2021, Regular Board of Directors DRAFT Meeting minutes.
2. Approve May 20, 2021, Special Budget Meeting of the Board of Directors DRAFT minutes.
3. Approve Register of District Invoices.

Motion made by Director Michael Callahan to approve Consent Calendar.

Second by Director Ashley Porter.

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

**D. AREA AGENCIES REPORTS / PRESENTATION**

1. Assembly Member Jim Frazier, District 11 – Not in attendance.
2. Supervisor Diane Burgis, District III Report - Not in attendance.
3. Sheriff's Office Report. Sheriff Lieutenant Mark Johnson reported number of calls and arrests and criminal reports taken for the month of June 2021. Catalytic converter theft continues to be a problem. Bait car has been posted to assist in catching criminals. Additional deputies have been making rounds and have been more visible. Contra County Health Director has been receiving threats, research determined calls were

coming from Discovery Bay. Automatic license plate readers are still getting hits on stolen cars. There has been an increase in phone scam activity, in particularly targeting the elderly.

4. CHP Report. Officer Donnie Thomas provided CHP report at 8:17 p.m. Report advised the Board of speeding concerns along Discovery Bay Blvd, Clipper Drive and Newport Drive. Out of 27 speeding violations, only 2 (two) were not Town of Discovery Bay residents. He also mentioned increase inside show activity and the saturation by CHP to discourage that type of activity.
5. East Contra Costa Fire Protection District Report. East Contra Costa Fire Department Battalion Chief Ross Macumber reported on updates for months of April and May 2021. Focused on firework prevention. Extra units will be out on Independence Day distributing citations to anyone discharging fireworks. Drought conditions are a major concern. Everyone is encouraged to cut all dry vegetation and keep weeds and dry bushes and shrubs cut short.  
Director Graham asked if Caltrans or ECCFPD is responsible for vegetation abatement along Highway 4. East Contra Costa Fire Department Battalion Chief Ross Macumber responded that he will research and if it is CalTrans area, he will have Prevention Bureau start abatement efforts in that area.

#### **E. LIAISON REPORTS**

As noted above in Area Agency Reports.

#### **F. PRESENTATIONS**

#### **G. BUSINESS AND ACTION ITEMS**

1. Public Hearing to Review and Adopt the Urban Water Management Plan.  
Water Engineer Justin Shobe reported a public hearing to review and adopt the Urban Water Management Plan. He informed the Board of the plan contents. Staff recommendation was to open public hearing and move forward to approve resolution to adopt the explained Urban Water Management Plan. as presented if there are no recommended changes to the draft. The approved final is due on July 1, 2021, to the State Department of Water Resources. Plan has been updated to meet new requirements and make mandatory changes. Notifications have been made to the public wishing to review the proposed plan. Staff recommends adoption of the presented plan and approval of Resolution 2021-09 to approve the Urban Water Management Plan as presented.  
President Bryon Gutow clarified the contents of the Urban Water Management Plan is to report on the anticipated water usage, and to provide an understanding on how the Town will deal with issues if any come up. Water Engineer Justin Shobe confirmed that is the reason for the Urban Water Management Plan.  
Public comment regarding:
  - Concerns of water levels and conservation efforts.
  - Questions of legality of a rate increase for high water users.President Bryon Gutow asked how flexible the state is regarding the completion of this plan.  
Water Engineer Justin Shobe advised the state provides the flexibility to address what we feel is an appropriate standard for our region and the usage needs we have in our area and conditions. We do not have severe water shortages so we have been successful in having the state impose lower usage objectives.  
Director Carolyn Graham asked if Water Engineer Justin Shobe is familiar with other communities charging higher rates for higher usage and having any legal issues.  
Project Manager Mike Yeraka stated tiered water rates for higher usage have to render strenuous demands on the water system, show a need for more capacity, employees working to meet higher demands, and it has to create a financial burden on the district to be established.  
General Manager Mike Davies asked legal counsel if opening and closing public comment provides sufficient acceptance for compliance of a public hearing.  
Legal counsel advised the opening of public comment was sufficient to satisfy a public hearing.  
Motion made by Director Ashley Porter to adopt resolution 2021-08.  
Second by Director Carolyn Graham.  
Vote: Motion Carried – AYES: 5, NOES: 0, ABSTAINED: 0, ABSENT: 0  
Director Michael Callahan excused himself from participation in discussion and vote for Item G-2 due to potential conflict.
2. Discussion and Possible Action to Approve Car Show Event in Cornell Park on June 26, 2021.  
General Manager Mike Davies advised the Board that Discovery Bay Community Foundations (DBCF) is seeking to put on a car show at Cornell Park on June 26, 2021. As the coordinator for this event, Jim Mattison was on the phone to answer questions. General Manager Mike Davies advised of planned details for the car show and introduced the Conditions of Approval set forth by Town of Discovery Bay Community Service District for the affair. Jim Mattison has complied with the requests. The event is planned to be on the Cornell Park grounds to discourage street parking. There will be food vendors and an anticipation of 250 cars will be exhibited during this public event.  
Director Carolyn Graham asked if the Town would also be notifying the neighbors around Cornell Park of the planned event.

General Manager Mike Davies advised the announcement to the public is being done through the Agenda presented today. He also advised the Agenda is emailed to the public for review and public is given notification that the matter will be reviewed and discussed for approval by the Board.

President Bryon Gutow asked why this item was not mentioned during the Park and Recreation Committee meeting prior to being presented to the Board.

General Manager Mike Davies advised the Town has not had a Park and Recreation Committee meeting since the item was introduced to the Town. He stated the Town usually asks for 60 day notice for these events which allows items to be presented to the Park and Recreation Committee, that didn't happen with this event. Due to compressed time, it came directly to the Board to allow for sufficient advertising and preparation for the date planned.

President Bryon Gutow advised he believes monthly Park and Recreation Committee meetings are necessary because there are so many things happening in that department.

General Manager Mike Davies stated that could be something to bring to the Board.

President Bryon Gutow stated the fees for events should be revisited.

General Manager Mike Davies advised the rental fees and public event fees will be reviewed.

Point of Order was raised – Request for Public Comment before continuing to discuss this item.

Legal Counsel Rod Attebery advised to take public comment before continuing Board discussion on this item. He stated order of discussion was to make clarifying questions, public comments followed by Board discussion.

President Bryon Gutow requested public comment.

- Inquiry regarding cost of vehicle entry fee to the car show.

Jim Matteson advised fee is \$40 per car.

Director Ashley Porter asked about preventive measures being taken to care for the lawn at Cornell Park. Park and Landscape Manager Bill Engelman advised the Board of the projected plan to maintain lawn care. He states he doesn't foresee any additional landscaping issues coming from this event.

Director Carolyn Graham asked about liability of car porters causing damage.

General Manager Mike Davies advised that the event coordinators will provide insurance documents to the Town.

Director Ashley Porter asked what DBCF will do with the funds raised at this event.

Jim Matteson advised funds will be used to provide Active Shooter training at schools and will also support National Alliance of Mental Illness (NAMI) with the school district.

Vice President Kevin Graves expressed concern regarding the short notice being provided to the Board for this event. He also mentioned the fee structure for use of the entire park. Vice President Kevin Graves wants to know arrangements for public parking.

President Bryon Gutow commented on liking the idea, however he would like to have had 60 days, as is common, to better prepare for this event.

Motion made by President Bryon Gutow to move forward with the Car Show.

Second by Director Ashley Porter.

Vote: Motion is Not Carried – AYES: 2, NOES: 2, ABSTAINED: 0, ABSENT: 1

Director Carolyn Graham questioned if DBCF could schedule the event for another date in order to better plan all the arrangements.

General Manager Mike Davies advised the Board that the Town will work with Jim Matteson to try to schedule this event at another time.

Point of Order was raised – Regarding procedure for bringing back an item that was not carried.

Comment from Legal Counsel Rod Attebery declared motion for Agenda Item G-2 has been made and Chair can make a motion to bring it back to the Board with changes or make a motion to not allow the Car Show all together.

President Bryon Gutow clarified that if a new date was presented, then it would be a new Agenda Item.

Legal Counsel Rod Attebery confirmed that is correct. Stated a new date, time, changes to mitigation measures would be a new item for consideration.

3. Discussion and Possible Action to approve and adopt the Environmental Mitigation Monitoring Plan (EMMP) Prepared by Advisian for the Diffuser Repair Project.

District Water Engineer Gregory Harris discussed staff's recommendation to approve Resolution 2021-09. Part of the California Environmental Quality Act (CEQA) analysis needed for the diffuser project requires an Environmental Mitigation Monitoring Plan (EMMP). Adopting this resolution means anyone involved in this project will have to follow the EMMP being presented today to minimize environmental impact.

Director Ashley Porter advised the Board that this Item was presented to the Water and Wastewater Committee and the Committee supports it.

Motion made by Director Ashley Porter to approve Resolution 2021-09 presented as written.

Second by Director Carolyn Graham.

Board Secretary noted for the record that Director Michael Callahan returned to the Board meeting for the entirety of the presentation for Agenda Item G-3.

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

4. Discussion and Possible Action Regarding Prop 68 Per Capita Grant Project Selection.  
Park and Landscape Manager Bill Engelman brought before the Board the project selection for landscaping improvements at Cornell Park. Staff is asking for Board approval of the arranged order of the projects selected for the Prop 68 Per Capita Grant. Park and Landscape Manager Bill Engelman advised of the need for a new basketball overlay with new hoops and benches, replacement of the barbeque area table, prep table and refurbishment of the lawn nearest the barbeque area, and then uniform benches, trash and recyclable receptacles throughout the park: in that order. Deadline to apply for the grant is December 31, 2021. Staff is also requesting authorization for General Manager to sign necessary forms associated with the application for the grant.  
Director Carolyn Graham asked if public suggestions were obtained for this park. Were the bocci courts discussed?  
Park and Landscape Manager Bill Engelman advised that to his knowledge, public input was not sought. He also stated there has been discussion regarding the removal of bocci courts.  
Director Ashley Porter advised the Board the Park and Recreation Committee discussed this at the meeting earlier today and was in accord with staff's recommendation.  
Director Michael Callahan asked Park and Landscape Manager Bill Engelman how close to completing the noted projects did he think the Town could get with the \$187,000 provided by the grant.  
Parks and Landscape Manager Bill Engelman replied that he was confident the Town could come close and with the required 20% Town match, the goals are feasible.  
Public comment regarding:
- Removing the required 20% match from the Zone 8 Hofmann money.
- Motion made by Director Carolyn Graham to accept the Prop 68 Per Capita Grant project selection.  
Second by President Bryon Gutow.  
Vote: Motion Carried – AYES: 5, NOES: 0, ABSTAINED: 0, ABSENT: 0

5. Fiscal Year 2021-22 Proposed DRAFT Operating, Capital and Revenue Budgets.  
Finance Manager Julie Carter presented the proposed budget to the Board and advised of the public hearing on June 16, 2021, to review and provide vote for budget adoption.  
Public comment regarding
- Movement of Town Office to new site.

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

Recreation Program Supervisor Monica Gallo provided update on the Community Center Pool. A timeline of projected actions to complete the pool construction was presented to the Board.  
General Manager Mike Davies advised he has been in contact with Adams Pool regarding delays and was notified of manufacturing delays of necessary supplies and lack of staff. He also advised the Board this timeline will be posted to the Town website for public accessibility.  
President Bryon Gutow asked about the delay of hiring lifeguards.  
General Manager Mike Davies advised the pool is not available for swimming therefore not requiring lifeguards at the moment.  
Director Ashley Porter asked General Manager Mike Davies to post delays in materials or vendor delays on the Town website.  
Director Carolyn Graham inquired about public interest in teaching classes at the pool and if those people are being frequently updated regarding pool status.  
Recreation Program Supervisor Monica Gallo advised she is in communication with the one interested party and has been giving constant updates.  
Director Carolyn Graham asked about possible price increases due to increase in supply cost.  
General Manager Mike Davies advised this would then be something to address with Legal Counsel.  
Director Ashley Porter inquired about the plan to open the pool once it is complete.  
Recreation Program Supervisor Monica Gallo replied that it would be available to 18 and older with a waiver signed since there will not be a lifeguard on duty.  
President Bryon Gutow asked Park and Landscape Manager Bill Engelman to provide a landscape update for Discovery Bay Blvd.  
Park and Landscape Manager Bill Engelman advised Seal Way landscaping will be complete by Friday. The Splash Pad is expected to be ready by June 15, 2021.

#### I. **GENERAL MANAGER'S REPORT**

#### J. **DIRECTORS' REPORTS**

1. Standing Committee Reports.
- a. Internal Operations Committee Meeting (Committee Members Michael Callahan and

Carolyn Graham) June 2, 2021.

Director Michael Callahan gave report about boot policy update. Town placards were also presented and discussed.

- b. Finance Committee Meeting (Committee Members Kevin Graves and Bryon Gutow) June 2, 2021.

President Bryon Gutow reported that discussion centered around the proposed budget.

- c. Water and Wastewater Committee Meeting (Committee Members Kevin Graves and Ashley Porter) June 2, 2021.

Director Ashley Porter reported the end of rehabilitation on Well 1. EMMP was discussed and approved to be reviewed with the Board.

2. Other Reportable Items.

**K. DIRECTOR'S TRAINING AND REGIONAL MEETING REPORTS**

1. CSDA: SDLA Module 3 – Board's Role in Finance and Fiscal Accountability – May 12 & 13, 2021 – Director Ashley Porter, Director Carolyn Graham, Director Michael Callahan.
2. CSDA: SDLA Module 4– Board's Role in HR – May 26 & 27, 2021 – Director Ashley Porter, Director Carolyn Graham, Director Michael Callahan.

**L. CORRESPONDENCE RECEIVED**

**M. FUTURE AGENDA ITEMS**

**N. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA**

(Government Code Section 54957.7) Closed session commenced at 8:39 p.m.

**O. CLOSED SESSION:**

1. Conference With Legal Counsel-Anticipated Litigation  
Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: one case
2. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6  
Agency Designated Representative: Michael R. Davies  
Unrepresented Employee: All TODB Employees
3. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6  
Agency Designated Representative: Bryon Gutow/Rod Attebery  
Unrepresented Employee: General Manager

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

(Government Code Section 54957.1) Return to open session at 9:40 p.m.

**Q. BUSINESS AND ACTION ITEMS**

1. Discussion and Possible Action Regarding Town of Discovery Bay Employees Compensation.  
General Manager Mike Davies reported discussion regarding employee compensation held to provide Town staff with closer match to local area wages. Staff requested salary increase for Town staff of 5% across the board.

Public comment regarding:

- Wage comparison

Motion to increase Town staff wages by 5% across the board on July 1, 2021, made by Director Michael Callahan.

Second by Director Ashley Porter.

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

2. Discussion and Possible Action Regarding Town of Discovery Bay General Manager Compensation.

Board met to discuss possible increase to General Manager's compensation.

Public comment regarding:

- Stated none.

Director Carolyn Graham made a motion to increase General manager's wages to \$187,000 a year effective July 1, 2021.

Public comment regarding:

- Approval for the increase

Motion second by Director Ashley Porter.

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

**R. ADJOURNMENT**

Adjourned at 9:45 p.m. to the regular meeting on June 16, beginning 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."