



# TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT



## SDLF Gold-Level of Governance

President – Bill Mayer • Vice-President – Bill Pease • Director – Kevin Graves • Director – Robert Leete • Director – Bryon Gutow

### MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY

Thursday May 9, 2019

SPECIAL MEETING 6:00 P.M.

Community Center

1601 Discovery Bay Boulevard, Discovery Bay, California

Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

### SPECIAL MEETING 6:00 P.M.

#### **A. ROLL CALL and Pledge of Allegiance**

1. Call business meeting to order 6:00 p.m. – By President Mayer.
2. Pledge of Allegiance – Led by President Mayer.
3. Roll Call – All present.

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

None.

#### **C. BUSINESS AND ACTION ITEMS**

1. Discussion and Possible Action Regarding Community Center Pool Options/Design.

General Manager Davies – Provided a background and the details regarding the Community Center pool. The Parks and Recreation Committee analyzed 3 designs proposals from Terracon, Aquatic Design, and Arch Pac Aquatics. The recommendation from the Parks and Recreation Committee to the Board is to select Terracon for the design of the pool. Staff is looking for direction to either eliminate or continue to renovate the existing pool or enter into an agreement with Terracon Consultants based on their proposal, plus a 15% contingency, to design a large L-shaped six-lane competitive pool known as option #3.

Public Comment Regarding:

- Not in support of a larger pool and would like to move forward with renovating the existing pool.
- In support of renovating the existing pool; traffic problems with an aquatic pool.
- In support of the large L-shaped six-lane competitive pool; will bring in revenue.
- Larger L-shaped six-lane competitive pool; the River Otters will be able to accept additional swimmers.
- Not enough money for a larger pool; possibly enough to renovate the existing pool.
- Zone Analysis from the Finance Committee meeting; not enough money for the Community Center or for a larger pool.
- In support of the larger L-shaped six-lane competitive pool; opportunity for swim lessons for kids and adults, and additional revenue.
- In support of the larger L-shaped six-lane competitive pool; home meets and adding to our community.
- In support of the larger L-shaped six-lane competitive pool; need for competitive training for Discovery Bay kids.
- Not in support of a larger pool; spend the funds on the Community Center; lighting, parking lot, bathrooms.
- Not in support of a larger pool; mission statement states for the benefit of all residents.
- Data regarding the polling of the residents.
- Not in support of a larger pool; money for repairs etc., Hofmann money for the water meter payments.
- Not in support of a larger pool; money to be used on the tennis courts, Dog Park, and the pickleball courts.

There was discussion regarding the pool expansion (renovate or replace), actual cost will exceed the budget, other areas of improvement within the Community Center, and Zone 8 improvements.

Motion by: Director Gutow to not move forward spending any new money on the pool design and to move forward with the current repair under the current contract with Adams Pool.

Second by: Director Graves with the comment that based on the interest that is on both sides it is fair to discuss the motion.

There was a comment regarding the motion and the second and the need for further discussion on the motion. Additional comments regarding the renovation of the pool, Hofmann money received provided an opportunity for additional options of a larger pool, government entities move gradually and opposition of the motion.

Legal Counsel Pinasco – Restated the motion; No to the design and yes on refurbishment and continue with the contract with Adams Pool.

Vote: Motion Failed – AYES: 1 – Director Gutow, NOES: 3 – President Mayer, Vice-President Pease, Director Leete, ABSTAIN: 1 – Director Graves.

Clarification of the Terracon Proposal related to page 2 design development phase, construction document phase, page 4 Geo Tech Report – work was complete (boiler plate information), page 7 liability and ADA compliance – exclude certain services (drainage of the Community Center additional cost if needed), ADA repair work (additional cost if moving forward with that item), page 8 reimbursable expenses and document printing – will be able to receive additional plans if needed, additional tasks – accurate estimate of the cost of the pool – estimate of probable cost is based on the final design which could change from the original geo tech report due to requirements from the County or input from the Town. There was discussion regarding the design phase, cost estimate, living within your budget (restricted funds), Hofmann money specific to Zone 8 and lighting and landscape. Additional comments regarding the design of a larger pool, more accurate cost estimate, outline of the Terracon Proposal; contract termination if needed.

Legal Counsel Pinasco – Stated that the Terracon is a proposal not a contract; however, when entering into a contract there are termination provisions and if the town moves forward and enters into a contract that could be one of the provisions of the contract to terminate the contract.

The discussion continued regarding a termination provision, contingency, estimate for the cost of the pool, and the design process.

Clarification of task 3 on page 5; Agency review phase (health and building department) may be fees for those items.

Additional discussion regarding the contingency, design tasks, ADA compliance, and to modify the current Terracon proposal.

Comment regarding; clarify cost estimate, contingency, and a termination clause.

Legal Counsel Pinasco – Stated if the Town is ready to move forward with the design proposal from Terracon for an amount that is stated in the proposal, motion could be; direct Staff to bring back to Terracon to enter in all of the components important to the Board regarding termination clause, budget, remove construction management component, remove the agency/submitting plans to the County component, and mainly a design build (possibly add ADA compliance) with a not to exceed and forward to Staff. The other option for a motion is to direct Staff to come back with a new proposal with all items important to the Board added. There was discussion regarding the motion and a not to exceed amount.

Motion by: Vice-President Pease to accept the Terracon Proposal with the modifications that the Board has indicated; termination clause, cost estimate clause, remove the agency review and construction management and bring back to the Board with a not to exceed cost of \$38,000.

Second by: Director Leete.

Discussion regarding the agency review section of the Terracon Proposal and to keep that section in.

Motion Amended by: Vice-President Pease to modify the not to exceed cost to \$43,000.

Discussion continued regarding the proposal and the major costs; ADA compliance for the building (second phase of the project), and the calendar for the pool project - possibly the 2020-21 season.

Vote: Motion Carried – AYES: 3 – President Mayer, Vice-President Pease, Director Leete, NOES: 2 – Director Gutow, Director Graves.

#### **D. FUTURE AGENDA ITEMS**

None.

#### **E. ADJOURNMENT**

1. The meeting adjourned at 7:10 p.m. to the next regular meeting of May 15, 2019 beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

//cmc – 05-10-19

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