



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: 925.634.1131 Fax: 925.513-2705

## Board Members

President-Kevin Graves  
Vice President-Mark Simon  
Director-David Plepho  
Director-Ray Tetreault  
Director-Brian Dawson

**NOTICE OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Wednesday, September 15, 2010  
1800 Willow Lake Road, Discovery Bay, California  
Website address: [www.todb.ca.gov](http://www.todb.ca.gov)**

## REGULAR MEETING at 7:00p.m.

### A. ROLL CALL

1. Call business meeting to order 7:00p.m.
2. Pledge of Allegiance
3. Report on closed session

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

The public may address the Board on any issue in the District's jurisdiction, which is not on the agenda. The public may comment on any item on the agenda at the time that item is taken up. 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

### D. CONSENT CALENDAR

1. Minutes previous meeting, Special Meeting of August 25, 2010
2. Minutes previous meeting, Regular Meeting of September 1, 2010
3. District Invoices  
*Recommended Action* - Staff recommends that the Board approve the listed invoices for payment
4. Consideration of Vegetation Agreement between the Town of Discovery Bay CSD and Reclamation 800 District pertaining to landscape of levee's under the jurisdiction of Reclamation District 800  
*Recommendation Action* - Approve and authorize the President of the Board to enter into the attached "Vegetation Encroachment Agreement" with the Reclamation District No. 800
5. Notice of Exemption for Discovery Bay Boulevard / Sand Point Road Landscape Plantings  
*Recommended Action* - Approve and authorize Staff to sign and record the Notice of Exemption (CEQA) for the Discovery Bay Blvd. / Sand Point Road Landscape Planting capital improvement project

6. Orwood Resort and Delta RV and Boat Storage – Direction to Staff  
*Recommended Action* - 1) That the Board ratify the direction given to staff on item G1 at the August 4, 2010 Board meeting; and 2) That the Board ratify the direction given to staff on item G2 at the August 4, 2010 Board meeting
7. Notice of Exemption for Ravenswood's Splash Pad and Pathway Solar Lights  
*Recommended Action* - Approve and authorize Staff to sign and record the Notice of Exemption(s) (CEQA) for the Ravenswood Splash Pad and Solar Light Projects.
8. Consideration of contract approval for design services pertaining to the playground replacement project at Cornell Park  
*Recommended Action* - Approve and authorize the General Manager to contract for design services between the Town of Discovery Bay CSD and Gates & Associates in the amount of \$13,365, plus reimbursables, for the Playground replacement project at Cornell Park.

**E. NEW BUSINESS AND ACTION ITEMS**

1. Appoint a member of the Board to fill the position of President Pro-Tempore  
*Recommended Action* - Appoint a member of the Board to fill the position of President Pro-Tempore

**F. CHAIR REPORT**

**G. DIRECTORS' COMMENTS**

**H. GENERAL MANAGER REPORT**

**I. LEGAL COUNSEL REPORT**

**J. CORRESPONDENCE-Discussion and Possible Action**

1. R – Letter from Supervisor Mary Piepho to Honorable Ray LaHood regarding the TIGER II grant for the Vasco Road Safety Improvements Project.

**K. PUBLIC RECORD REQUESTS RECEIVED**

- (1) Request from anonymous for a tape of the August 4, 2010 meeting
- (1) Request from John Silver – Veolia's Monthly Operations Report for June 2010

**L. FUTURE AGENDA ITEMS**

**M. ADJOURNMENT**

Adjourn to next Regular meeting of October 6, 2010 starting at 7:00pm at 1800 Willow Lake Road- Located in back of 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."



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**Board Members**  
President-Kevin Graves  
Vice President-Mark Simon  
Director-David Piepho  
Director-Ray Tetreault  
Director-Brian Dawson

**MINUTES OF A SPECIAL MEETING  
AND BOARD WORKSHOP OF THE BOARD OF DIRECTORS  
OF THE TOWN OF DISCOVERY BAY CSD**  
Wednesday, August 25, 2010  
1800 Willow Lake Road, Discovery Bay, California  
Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

## **SPECIAL MEETING at 6:30p.m.**

### **A. ROLL CALL**

The meeting was called to order at 6:30p.m. President Graves led the Pledge of Allegiance. Roll Call reflected that all Directors were present.

### **B. PUBLIC COMMENTS**

No Comments

### **C. CONSENT CALENDAR**

#### **1. Various District Invoices**

Motion made by Vice President Simon to approve the Consent Calendar and seconded by Director Tetreault. Motion carried by the following vote: AYES: 5, NOTES: 0, ABSENT: 0

Vice President Simon wanted to know what the Community Center Fund Invoice was for. General Manager Howard explained that it was to restock and purchase embroidered shirts for our ongoing Community Center fund raising efforts.

### **D. NEW BUSINESS AND ACTION ITEMS**

#### **1. Electronic/Digital Recording of Town of Discovery Bay CSD and adoption of Resolution 2010-11**

General Manager Howard explained that the Electronic/Digital Recording will give easy access to the public, and staff will upload the electronic versions to the Website. General Manager Howard expressed the minutes will be changed to Action minutes, to reduce staff's time spent on transcribing.

Motion made by Director Piepho to adopt Resolution 2010-11 and seconded by Director Tetreault. Director Tetreault questioned if the digital minutes will be saved in the same manner as the cassette tapes.

General Manager Howard stated that our current retention policy for the audio is to retain for 12 months, and the State law requires a minimum of thirty (30) days.

Director Tetreault commented on how the minutes will be stored on the Website.

General Manager Howard stated that twelve (12) months of minutes will be retained, however, (12) twelve months of minutes may not be stored on the Website based on the capacity of the Website.

**There was a lengthy discussion by the board and public on how votes would be recorded on the minutes.**

The action minutes will include the action item, the recommendation, and the vote, who made the motion and who seconded.

**Legal Counsel McGrew** indicated that when you have brief minutes and you have roll call and if the votes are all AYES, then you know that everyone in attendance voted AYES, if there are NOES, then there are procedures in that the President will announce the votes or they will call a roll call vote and have recorded in the brief minutes.

**President Graves** points out that the dissenting or abstention vote is not within the Resolution 2010-11 and will move forward and place that item within the policies.

**General Manager Howard** stated that the board can amend the resolution. The Board can approve the Resolution, with the amendment.

**Director Piepho** states that he does not want to change his motion.

**Director Tetreault** withdrew the second.

**Treasurer Dawson** seconds the motion.

The discussion continues on regarding the dissenting or abstention voting system.

**Motion failed** by the following vote - AYES: 1 – Piepho; NOES: 4 – Graves, Simon Tetreault, and Dawson

**President Graves** would entertain an alternate motion that would include the subject matter.

**Legal Counsel McGrew** states the motion for the minutes to be an action minutes format, recording the names of those voting. Legal Counsel McGrew believes that the intent is to amend the resolution to state that action minutes will record the names of those voting for or against all motions. That does not necessarily mean that you will have a roll call vote.

**General Manager Howard** suggests that when the language is similar to a dissenting or an abstention vote, at that point and time all (5) five board members are recorded as to how they have voted. In other words there will be all five (5) AYES and NOES. General Manager Howard believes that is the intent of the board.

**Director Tetreault** will agree that if there is a unanimous vote then no recording of individual votes and if there is a dissenting vote then we will record the vote of each board member.

**Motion made** by Director Tetreault for a unanimous vote and no recording and if there is a dissenting then we will record the vote and how they voted, seconded by Director Simon.

**President Graves** states that he wants to be clear on the motion on the recording of dissenting and abstention votes by name. In other than unanimous votes, as an amendment to the Resolution 2010-11. Motion carried by the following vote – AYES: 5; NOES: 0, ABSENT: 0

#### **E. WORKSHOP TO DISCUSS VARIOUS BOARD POLICIES, BY-LAWS, AND RULES OF ORDER**

##### **1. Town of Discovery Bay CSD Bylaws**

##### **2. Town of Discovery Bay CSD Board Policy**

**President Graves** stated that staff and legal have been working on certain policies to clear up conflicts within the policies.

**General Manager Howard** asked to pull item E5 from the agenda because it is not ready to be discussed.

**General Manager Howard** placed binders on the Board Member's desk that include the CSD Law that was adopted by SB 135, effective January 2006. A binder was also placed on the table in back for the public.

**The board and Legal** discussed several sections of the Bylaws and the Board Policy.

**Director Piepho** states that LAFCO and Contra Costa Special Districts Bylaw revisions are done by a committee appointed to handle the subject, because items could be overlooked.

**General Manager Howard** states that the Bylaws and Board Policy documents are at a preliminary stage and stated the process will be smoother for each document to be reviewed together.

The Board can address items that may need to be reviewed and no action will be taken within this meeting, however we would like to be given direction.

**Items to be discussed for the \*Board Policy and Bylaws**

Conflict with the Title of Treasurer - State Law requires, and this board enacted, a 1998 Resolution that stated the Board Treasurer is actually the Treasurer of Contra Costa County. State Law SB135 states that the Board Treasurer can not be a member of the Board. The Resolution also states that two of the Board positions, President and Vice-President, are outlined.

**Legal Counsel McGrew** states Roberts Rule of Order to Rosenberg Rules of Order - that Rosenberg developed a simplified set of rules.

**General Manager Howard** states the board President does work cooperatively with staff with setting the agenda

**Signing Checks** – Can be signed by any of the board members.

**Legal Counsel McGrew** notes that organizations do not have Bylaws, they have rules.

Community Services District laws that are used today, recognize that you may have rules or Bylaws that could be combined.

**President Graves** states that changes will clean up any legal issues we may have, and is not sure if whether he agrees with the change from Roberts to Rosenberg.

**Director Piepho** states that he is in support of streamlining the Bylaw Policy and agrees with combining the Bylaws and Board Policy.

**Director Piepho** suggests changing the Bylaw, page three (3), Section 2 travel and training should be added to the section.

**Legal Counsel McGrew** notes that can be added, that is why it refers to reimbursement and travel policies.

**Director Piepho** suggests adopting the agenda after roll call.

**Legal Counsel McGrew** states that different communities do it different ways and it is more of a formality because you are limited on the Brown Act as to your agenda.

**Director Piepho** suggests that the President should assist the General Manager and that the President ultimately sets the Board Agenda. Bylaws should state - when the President or Vice President is missing from a meeting, another Board member would be appointed as the officer to serve for that particular meeting.

**Legal Counsel McGrew** states that appointing a board member to take the place of another board member on a meeting by meeting basis.

**Director Piepho** states that under LAFCO's handbook that the conduct of meetings and order of business, says, nine (9) items that go on during a meeting, call to order and roll call, adoption of the agenda and any modifications, public comment, approval of the minutes, consent items, business items, informational items, Commissioner or Staff announcements, and adjournment, should be outlined in the Board Policy.

**Director Piepho** states that there is no need to adopt either one of the rules, Rosenberg or Roberts Rules, and that both serve as guidelines.

**President Graves** asked whether Roberts Rules of Order had been adopted by resolution for the use of this board.

**General Manager Howard** states that he is not sure if the Roberts Rules of Order have been adopted, by resolution, however, the Bylaws have been approved and action has been taken.

**Resident Walter Mac Vittle** states that Roberts Rule of Order is cumbersome and that he is in support of applying Rosenberg Rules of Order to the Board Policy

**Resident Pat Richardson** questioned how the General Manager Howard can prepare his own job description.

**General Manager Howard** states that statement means the job description for each and every staff member is ultimately the General Managers responsibility as is his own job description.

**General Manager Howard** stated that all job descriptions are approved by the board.

**Resident Don Flint** compliments General Manager Howard and the board for positive steps towards streamlining the policies.

**Director Tetreault** states that each guideline should be simplified which will make the process more efficient for all board members and any new board members.

**Director Piepho** states that the Board Policy on page two (2) at the top of the page, the statements are subjective and out of context. Also, page 2 number 13 should be taken out completely.

**General Manager Howard** suggests to referencing AB1234, as a guideline.

**Director Piepho** states that section B. General Conduct of Board of Directors and Officers, c. should only state any thing in writing, and take out the word statements. Also, Section 2 Preparation and Commitment; c. should be taken out completely.

### **3. Town of Discovery Bay CSD Website Policy**

**General Manager Howard** states that there is no preliminary document for the Website Policy and this is the first draft. The document will provide information to the community. We also do not want to step over the boundaries of what we can and can not do. Also, we want to carefully link other websites to our website to protect ourselves.

**Legal Counsel McGrew** states that he has reviewed the document and the main concern is to monitor the website

**General Manager Howard** states that it is standard practice to monitor site activity and that the service we use is NIA.

### **4. Town of Discovery Bay CSD Media Relations Policy**

**General Manager Howard** describes the Media Relations Policy and that the policy has not been before the board. The policy also addresses media relations from the board level and also from a staff level.

**General Manager Howard** states that he will monitor comments coming from staff to the press, so that he is aware of the comments and ensure that information is also relayed to the Board.

**Director Tetreault** states that the Section - 3. 3.1 Of the Media Relations Policy; he will state his thoughts of a particular agenda item.

**Director Piepho** states that he cautions the Board and that we do not want anything too restrictive with the press.\*3.3.1 should be stricken from policy the rules are subjective and anything in writing should be implemented. Section 7 Personal Points of View, the policy can not take away his rights and the wording needs to be changed.

**Director Piepho** states that he believes board members should be encouraged with any large scale issue with the District and should direct those questions to the Board President and General Manager.

**Director Simon** states that there are (5) members on the Board with five (5) opinions and the press will ask if the opinion is unanimous.

**General Manager Howard** suggests that we move forward with an administrative policy and take the comments that he has heard tonight, pull them together and come up with a paragraph that will be included in the board policy and how it relates to general conduct of Board Members as they interact with the Press.

**Director Dawson** states that he will give his own opinion and does not speak for the board. He also believes that we do not need the paragraph in the policy.

**President Graves** states that the media will do what they are going to do and the Board should act with the responsibility that has been given to them.

**Legal Counsel McGrew** states that Media Policies are generally guidance for staff.

### **5. Town Of Discovery Bay CSD Public Record Requests Policy**

**General Manger Howard** has pulled the Town of Discovery Bay CSD Public Record Requests Policy from the agenda as previously stated.

### **6. ADJOURNMENT**

Meeting was adjourned at 8:11 p.m. to the next Regular meeting of September 1, 2010 starting at 7:00pm at 1800 Willow Lake Road- Located in back of the Delta Community Presbyterian Church.

cmc - 09.08.10



# TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: 925.634.1131 Fax: 925.513-2705

MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD  
Wednesday September 1, 2010  
1800 Willow Lake Road, Discovery Bay, California  
REGULAR MEETING 7:00 P.M.  
Website address: [www.todb.ca.gov](http://www.todb.ca.gov)

## Board Members

President-Kevin Graves  
Vice President-Mark Simon  
Director-David Piepho  
Director-Ray Tetreault  
Director-Brian Dawson

### A. ROLL CALL

The meeting was called to order at 7:00p.m. President Graves led the Pledge of Allegiance. Roll call reflected that all Directors were present.

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

Resident Pat Richardson - Requested a Map of Discovery Bay that includes all of the streets  
President Graves suggested going through the County  
Director Dawson received one from the Elections Department from Contra Costa County

### C. AREA AGENCIES REPORTS / PRESENTATION

#### 1. DEPUTY SHERIFF / MARINE PATROL REPORT – Report

Lieutenant Burton - 61 Reports - Pointed out incidents on the report.  
Increase in the number of residential burglaries – unlocked homes.  
Taking steps to address the burglaries – locking doors, not leaving the garage door opened.  
Director Piepho complimented Lieutenant Burton for his hard work.

Resident Lou Erickson – Suggests adding incidents to the Discovery Bay Press.

Resident Walter Mac Vittie – Fabulous job – Preventative measures - send fliers out to the residents listing burglaries.

#### 2. CHP REPORT – No Report

#### 3. FIRE DISTRICT REPORT – Report

Battalion Chief Burris – Provided copies of the August Incident Summary Report for the ECCFPD

Director Piepho – Station that is closed is there a phone out front? Chief Burris stated the Discovery Bay Boulevard location does have a phone, almost positive the Byron location does – will double check.

Resident Lou Erickson – Asked, where is the closest station for an emergency? - Station 59 is the closest.

What is the response time – depends on day, night, and location – day – less than 1 minute; night – 2 minutes out of station – times will differ depending on the location.

#### 4. EAST CONTRA COSTA FIRE PROTECTION DISTRICT REPORT - No Report

President Graves stated that he spoke to the Commissioner Finetti and he did not have anything to report.

Battalion Chief Burris stated that there is a new Fire Chief, Henderson.

#### 5. SUPERVISOR MARY PIEPHO, DISTRICT III REPORT

Karyn Cornell from Supervisor Piepho's office – VASCO Road Safety Improvement is continuing.

If you are on the mailing list you will receive information on one lane road closures – This week, September 1, 2010 through September 3, 2010 there will be a one lane road closure and to expect 30 minute delay from 8:30 to 3:00pm. CHP out there to enforce the construction zone – Questions call the Public Works Department.

Slurry Seal Portion beginning on September 7, 2010 and the seal needs to cure for 4 hours – with the heat it may take less.

Vice-President Simon stated that there are rocks on the sidewalk and they are difficult to remove.

President Graves suggested that Karyn Cornell contact the Contra Costa County Public Works to make them aware of the problem.

Resident Walter Mac Vittie stated that on the street he lives on, a Contractor/Semi drives through at high rates of speed.

Resident Chris Steele stated that on Willow Lake Road, a truck doing about 35 broke his windshield, and the truck driver was rude.

Resident Lou Erickson-- Can Harbor Bay have the area patrolled -- It has to go before the Board of Supervisors.

General Manager Howard stated that Public Works is working with us to possibly do the Slurry seal in front of the School on Willow Lake Road and Discovery Bay Boulevard, on a Saturday.

Director Piepho stated that the response time from the County or Contractor has been very quick in regards to the complaints of rocks.

**D. CONSENT CALENDAR**

1. Minutes of previous Special Meeting for July 29, 2010
2. Minutes of previous Regular Meeting August 4, 2010
3. Various District Invoices
4. Monthly Financial Reports
5. Eliminate the Title of Treasurer from list of Board Titles and add President Pro-Tempore and Adopt Resolution 2010-13 acknowledging this change.
6. Town of Discovery Bay CSD Website Policy and Adopt Resolution 2010-14

President Graves asked to pull Agenda Item D-5 from the Consent Calendar and moved it to F-3.

Motion made by Director Piepho to approve the Consent Calendar with the change of moving item D-5 to F-3 and seconded by Vice-President Simon. Motion carried by the following vote: AYES: 5, NOES: 0, ABSENT: 0

**E. PUBLIC HEARING to Consider the Following**

1. Conflict of Interest Code Amendment for 2010 and Adopt Resolution No 2010-12 (Howard)

General Manager Howard -- Every two years the CSD is required to adopt and update the Conflict of Interest Code and there have been changes within Management and Legal Counsel.

Motion made by Director Piepho to adopt Resolution No. 2010-12 and seconded by Director Dawson.

Motion carried by the following vote: AYES: 5, NOES: 0, ABSENT: 0

**F. NEW BUSINESS AND ACTION ITEMS**

1. Town of Discovery Bay CSD Fiscal Year 2009-10 Operating and Capital Budget Summary Report (Howard)

General Manager Howard discussed the budget summary -- The agenda report indicates the adopted budget expenditures of \$5,105 million, actual expenditures were \$5,236 million or 2.5% over the adopted budget.

Operating Budget - \$2,919 million, actual expenditures of \$3,711 million. Capital Budget - \$2,186 million, actual expenditures \$1,525 million.

Operating Budget -- Included separate entries that were not budgeted, however, paid out - \$142,000 (Veolia \$82,000 amount carried from the FY 09-10 - \$10,000 (paid twice in 1 year) and \$50,000 (2 payments made in one year).

Budgeted amendments -- adjust the budget for the additional expenditure -- or reduce the budget from eliminating items from the budget -- the work is not to be performed

Director Piepho had 3 comments -- 1. When finalizing the budget add an addendum to reflect items with an explanation 2. Add actual overrun costs 3. Some type of asterisks added to point out why that section is out of budget.

General Manager Howard condensed the printed out budget and No 2 may be the variance column and if that is not the case will add additional column for the overrun costs.

Resident Walter Mac Vittie -- Wanted more specific information added regarding the budget.

President Graves -- Notes that the budget summary changes often and the copy we have tonight has already changed.

General Manager Howard -- Referring to general repairs, example: Water Main break - there was an unanticipated amount and we budgeted \$300,000, actual was \$553,000, \$253,000 more than budgeted. Cannot ignore, have to pay for. The Water meter building office systems setup was more than budgeted, Office Equipment budgeted \$5,000 spent \$30,000.

Review of Residential Water Charges at Harbor Bay HOA (Howard)

President Graves excused himself from this Agenda Item.



Vice-President Simon states to review the Residential Water Charges at Harbor Bay.

General Manager Howard explains that on July 7, 2010, Lou Erickson, Vice President of Harbor Bay, brought to the Board's attention that the water rates were being miscalculated. The Board directed General Manager Howard along with Water and Waster Manager Koehne to meet with Lou Erickson.

Residential and Landscaping all metered – difficult to properly assess.

Suspend the water meter billing at this time until the entire project is complete.

Water meter costs per parcel/per homeowner estimated \$250-\$600 (12 month payment plan).

Vice-President Simon asked if the bills/meters have been paid and General Manager Howard stated that they have since been paid.

Director Piepho expresses his concerns with Homeowner Associations (HOA), and that there are 13 other HOA's. Harbor Bay (HOA) could be double billed and is in favor of suspending until we can handle properly – wants the project equitable for both sides - District and Association. Director Piepho suggests identifying the other 13 HOA's so that we can handle in the same way as Harbor Bay.

Director Tetreault suggests that we 1. Install meters, 2. Inequity resolved, 3. Would not vote to suspend the bills, bills should be paid.

Board agrees and states 1. Perform an internal audit, 2. Determine that all Associations have the same structure, 3. Bring to the Board at that time.

Resident Lou Erickson Vice-President of Harbor Bay states (Letter attached) 1. Charged twice and not fair, 2. Sent a letter to the district.

Installation of the Water Meters could be done by a company of choice by the homeowner – with the Meters provided by the District.

Motion made by Director Piepho to direct Staff to initiate an audit concurrent with an action to begin the installation program of the Water Meters for Harbor Bay, and concurrently bring back a report of the audit to the Board of Directors within 30 days and seconded by Director Tetreault.

Motion carried by the following vote: AYES: 4, NOES: 0, ABSTAIN: 1, ABSENT: 0

3. Eliminate the Title of Treasurer from list of Board Titles and add President Pro-Tempore and Adopt Resolution 2010-13 acknowledging this Change

General Manager Howard discussed the removal of title Treasurer and add President-Pro Tempore.

Motion made by Vice-President Simon to adopt the Resolution 2010-13 which will eliminate the Title of Treasurer from the list of Board Titles and add President Pro-Tempore and seconded by Director Piepho.

Motion carried by the following vote: AYES: 5, NOES: 0, ABSENT: 0

#### G. COMMITTEE/LIAISON REPORTS

1. Trans-Plan Report – No report
2. County Planning Commission Report – No report
3. Code Enforcement Report

Director Piepho reported:

County continues to do their sign removal program. Political signs exempt – keep out of Cal Trans. Continuing to work on the abandon vehicle program in Discovery Bay, with the on going Boats and Trailers on many roads, there is a hazard possibly running into. Complaints RV's on courts, Notice to comply – Aquatic weed – removing without a contract license – serious trouble

Removal of weeds spreads the weeds much quicker – health hazard/life hazard.

Complaints from Sandy Cove – Straw Hat for advertising with big trucks

4. Special Districts Report\*\*

\*\*These meetings are held Quarterly

#### H. DIRECTORS' COMMENTS

Director Dawson reported: Attended the August 9, 2010 P-6 Zone Citizen Advisory Committee. Trying to get official numbers from the Sheriff for the Cab fund/holding things up, Heard from the community that the Board is not doing what we can to deal with the Egeria densa in the Delta, GM meet with Iris Obergon from Assemblymember Buchanan office and the letter from Joan Buchanan to the Department of Boating and Waterways states that they are assisting us on the problem.

Director Piepho handed out literature on other Water Districts – Central Sanitation talks about what they are doing; their rates - saving money – safely dispose of unwanted medications.

Director Piepho complemented the General Manager for providing the agenda report and that the reports are very helpful.

Director Tetreault states that the Weed situation is on the agenda for the September 2, 2010 meeting for the Reclamation District 800.

**I. GENERAL MANAGER'S REPORT**

1. Veolia July 2010 Monthly Operations Report

**General Manager Howard** introduced Gerald Smart for the presentation of the Monthly Operations Report.

**Gerald Smart** states - No Sanitation Sewer Overflow violations – No water violations, Return Activated Sludge pump failed in Plant 1 – When pump fails - not notified until end result, Reported to the Regional Water Quality Control Board – No violations, 56 Callouts – 23 of those were from the chlorine injection issue.

**Vice-President Simon** stated that he was under the impression that all of the pumps had alarms and would be notified.

**Gerald Smart** stated that not all of the pumps have alarms.

**Resident Walter Mac Vittie** asked if there was a scheduled flushing of the system because of brown water.

**Gerald Smart** stated that calls came in and the complaints of brown water on the West Side Facility, and he stated that you should flush beginning at the water treatment source then flush out from there and did see natural minerals, iron and manganese – when the velocity increases it causes the sediment at the lower sections of the pipe to flow into the water, turning the water brown.

**Water and Wastewater Manager Koehne** presented pictures of the Discovery Point Sewer Replacement Project and the UV Project

**J. LEGAL COUNSEL REPORT**

No Report

**K. CORRESPONDENCE – Discussion and Possible Action**

1. R – Letter from Supervisor Piepho to Senator Boxer dated July 23, 2010 regarding Funding for the Sand Creek Road Interchange
2. R – Letter from Supervisor Piepho dated July 28, 2010 regarding Board of Supervisors Meeting Board Orders\*
3. R – Letter from Supervisor Piepho to CCC Public Works dated August 4, 2010 regarding the correspondence from the Byron Municipal Advisory Council (MAC) about the ongoing concerns regarding the intersection of J-4/Byron Highway and Camino Diablo
4. R – Letter from Supervisor Piepho dated August 4, 2010 regarding Board of Supervisors Meeting Board Orders\*\*
5. S – Letter sent to CCC dated August 6, 2010 regarding the County File Number LP07-2025 (Orwood Resort)
6. S – Letter sent to CCC dated August 6, 2010 regarding the County File Number LP10-2023 (Delta RV and Boat Storage)
7. R – Letter from Supervisor Piepho dated August 17, 2010 regard the Two-Gates Fish Protection Demonstration Project
8. R – Letter from Assembly member Buchanan dated August 23, 2010 regarding Egeria densa

*\* Attachments to all correspondence are available at the district offices for public viewing during normal business hours.*

**L. PUBLIC RECORD REQUESTS RECEIVED**

- (1) Request from Don Flint – Final Capital Budget – Five (5) Year Projections
- (1) Request from Don Flint – Cost of publications for rate increases

**M. FUTURE AGENDA ITEMS**

**N. ADJOURNMENT**

1. The meeting adjourned at 9:15 to next regular meeting on September 15, 2010 at 1800 Willow Lake Rd – Located in back of Delta Community Presbyterian Church.

cmc – 09.09.10



# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

September 15, 2010

Prepared By: Liz Hardy, Accounts Assistant  
Submitted By: Rick Howard, General Manager *RH*

Agenda Title

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 \$220,091.09

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

Town of Discovery Bay CSD Operating and Capital Budgets

Request for Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District #8

Discovery Bay Lighting & Landscape District #8 Operating and Capital Budgets

Request for Authorization to Pay Invoices for the Discovery Bay Lighting & Landscape District #9

Discovery Bay Lighting & Landscape District #9 Operating Budget

AGENDA ITEM: D-3

Request for authorization to pay invoices  
 For the Meeting on September 15, 2010  
 Town of Discovery Bay CSD  
 For Fiscal Year's 7/10 - 6/11

Acct Code				
1	7002	Express Employment Professionals	Inv# 98790399-4, dtd 8/25/10 Payroll for Temp Services	\$643.16
2	7002	Express Employment Professionals	Inv# 98815982-8, dtd 9/01/10 Payroll for Temp Services	<u>\$936.02</u>
			<b>Sub-Total</b>	<b>\$1,579.18</b>
3	7002	Frank Cramer	Contruccion Manager Expense Report for mileage in August 2010	\$82.00
4	7670	Frank Cramer	Expense Report for desk sold to office 9/2/10	<u>\$30.00</u>
			<b>Sub-Total</b>	<b>\$112.00</b>
5	7010	Caselle, Inc.	Inv# 35856, dtd 9/1/10 Support charges from Nov 1, 2010 to Jan 31, 2011	\$435.00
6	7010	Ecologic	Progress Bill #3 dtd 9/3/10 Work from 8/1/10 to 8/31/10	\$3,707.50
7	7010	Hervitt Engineering	Inv# 10-08, dtd 9/1/10 Services for August 1-August 31	\$4,130.00
	0910-007	Hervitt Engineering	Inv# 10-08, dtd 9/1/10 Services for August 1-August 31	<u>\$1,540.00</u>
			<b>Sub-Total</b>	<b>\$5,670.00</b>
8	7010	Redfish Studios	Inv# 083110SAM, dtd 9/1/10 Training on audio and miscellaneous IT work	\$525.00
9	7011	Veolla	Inv# 2503432, dtd 9/1/10 Maintenance services for the month of September 2010	\$83,362.21
	7012	Veolla	Inv# 2503432, dtd 9/1/10 Maintenance expense through September 2010	<u>\$3,560.42</u>
			<b>Sub-Total</b>	<b>\$86,922.63</b>
10	7135	EnerPower	Inv# 55685, dtd 8/27/10 Electric Energy Charges for 6/11/10 - 7/12/10	\$108.00
11	7137	EnerPower	Inv# 55684, dtd 8/27/10 Electric Energy Charges for 6/10/10 - 7/11/10	\$230.00
12	7137	EnerPower	Inv# 55683, dtd 8/27/10 Electric Energy Charges for 6/12/10 - 7/13/10	<u>\$102.00</u>
			<b>Sub-Total</b>	<b>\$440.00</b>
13	7210	Bay Area News Group	Acct# 2005834, dtd 7/31/10 Classified Advertising-Ordinance 21	\$159.80
14	7280	Air Resources Board	Inv. P-3476-1110, dtd 8/26/10 Renewel fees generator for Wells 1 & 2 Mult 150 kw	\$575.00
15	7300	American Retrofit Systems	Inv# 4422, dtd 8/31/10 MH3 & MH2 wire in generator for rake arm	\$800.00
16	7300	American Retrofit Systems	Inv# 4423, dtd 8/30/10 Wire in + phase submersible pump for ball press area	\$100.00
17	7300	American Retrofit Systems	Inv# 4429, dtd 9/7/10 replacing booster room PLC back up battery & 3 spares	\$387.00
18	7300	American Retrofit Systems	Inv# 4430, dtd 9/7/10 Install 100' #6 multi conductor cable pumps-shop bldg	\$730.00
19	0910-007	American Retrofit Systems	Inv# 4424, dtd 8/30/10 Trace out/remove underground lighting conduct for tbx	<u>\$200.00</u>
			<b>Sub-Total</b>	<b>\$2,217.00</b>
20	7300	DC Frost Associates, Inc.	Inv# 5541, dtd 8/16/10 parts for Wastewater Treatment plant #2	\$14,749.38
21	7300	ITT Water & Wastewater	Inv# 07598132, dtd 8/31/10 Rental for Bio solids Wet Well	\$614.52
22	7300	J.W. Backhoe & Constr.	Inv# 1376, dtd 8/13/10 Leak in landscape area WL Rd & water leak 1699 WL Rd	\$2,130.75
23	7300	J.W. Backhoe & Constr.	Inv# 1385, dtd 8/25/10 Paved 780 Beaver Ct	\$5,287.41
24	7300	J.W. Backhoe & Constr.	Inv# 1388, dtd 8/25/10 Fixed leak at 4548 Cove Lane	\$4,808.30
25	7300	J.W. Backhoe & Constr.	Inv# 1391, dtd 9/03/10 Repair leak @ 5501 Beaver Lane	\$7,806.40
26	7300	J.W. Backhoe & Constr.	Inv# 1392, dtd 9/03/10 Repave @ 4548 Cove Lane & 5501 Beaver Lane	\$4,838.64
27	7300	J.W. Backhoe & Constr.	Inv# 1393, dtd 9/03/10 Fog seal at 5510 Beaver Lane	<u>\$1,232.00</u>
			<b>Sub-Total</b>	<b>\$26,103.50</b>
28	7300	Paul E Vaz Trucking, Inc	Inv# 09283, dtd 8/27/10 Hauling for base rock	\$505.32
29	7300	Paul E Vaz Trucking, Inc	Inv# 09282, dtd 8/27/10 Materials for base rock	<u>\$426.82</u>
			<b>Sub-Total</b>	<b>\$932.14</b>
30	7300	Turbo Machinery Repair	Inv# 2404, dtd 8/25/10 Rebuild Mammoth brush aerator #4 NE unit	\$36,789.15
31	7320	R & M Signs	dtd 9/2/10 1 set of door logos blue	\$35.00
32	7320	R & M Signs	dtd 9/8/10 2 set of car door signs	<u>\$70.00</u>
			<b>Sub-Total</b>	<b>\$105.00</b>
33	7330	BCS	Inv# SI5775142, dtd 8/25/10 Chemicals for 1800 Newport Drive	\$1,927.34
34	7330	BCS	Inv# SI5775143, dtd 8/25/10 Chemicals for 1800 Willow Lake Drive	\$1,280.25
35	7330	BCS	Inv# SI5778339, dtd 9/01/10 Chemicals for 1800 Newport Drive	\$1,708.17
36	7330	BCS	Inv# SI5778340, dtd 9/01/10 Chemicals for 1800 Willow Lake Drive	<u>\$873.20</u>
			<b>Sub-Total</b>	<b>\$5,788.96</b>
37	7430	Office Depot	Inv# 531342752001, dtd 08/26/10 Office Supplies	\$74.67
38	7430	UPS	Inv# 000012X417350, dtd 8/28/10 Misc charges	\$6.03
39	7520	Verizon Wireless	Inv# 571177035-00001, dtd 08/28/10 Work Cell Phones	\$469.75

40	7630	Brut Force Janitorial Inv# 109, dtd 9/2/10 Cleaning for office from 9/2/10 thru 9/14/10	\$110.00
41	7630	Watersavers Irrigation Inc. Inv# 1994979, dtd 09/02/10 Tree plantings @ Office	\$86.09
42	7952	Watersavers Irrigation Inc. Inv# 1993840, dtd 08/30/10 Landscaping supplies for Zone 61***	\$104.16
		<b>Sub-Total</b>	<b>\$190.25</b>
43		<u>Petty Cash Reimbursement Statement for 8/15 - 09/08/10</u>	
	7690	Maint / Fuel	\$10.00
	7950	Misc. to be reimbursed by DB L & L #8	\$39.93
		<b>Sub-Total</b>	<b>\$49.93</b>
44	7720	Brian Dawson Directors Expense Report for meetings/banquet in August 2010 & Jan 2010	\$400.00
45	7720	David Peipho Directors Expense Report for meetings/banquet/mileage Aug/1-23-10/2009 & 2010	\$365.70
46	7720	Kevin Graves Directors Expense Report for meetings August 2010	\$200.00
47	7720	Mark Simon Directors Expense Report for meetings/banquet in August 2010 & Jan 2010	\$300.00
48	7720	Ray Tetreault Directors Expense Report for meetings/banquet in August 2010 & Jan 2010	\$300.00
		<b>TODB TOTAL...</b>	<b>\$189,882.09</b>
	<u>Acct Code</u>	<u>Caselle Utility Account</u>	
1	7951	Refund of Overpayment Acct# 1-011-441-045-901	\$77.46
		<b>Caselle Utility Account Total...</b>	<b>\$77.46</b>
		<b>TODB GRAND TOTAL...</b>	<b>\$189,959.55</b>

Acct. #	TOWN OF DISCOVERY BAY CSD OPERATING BUDGET 2010/2011 Approved on 05/16/10 Meeting	2009/2010 Budget	2009/2010 YTD ACTUALS	2009/2010 % of Budget YTD	2010/2011 Budget	8.33% Jul 10 Month to Date Expenses	16.67% Aug 10 Month to Date Expenses	25.00% Sep 10 Month to Date Expenses	33.33% Oct 10 Month to Date Expenses	41.67% Nov 10 Month to Date Expenses	50.00% Dec 10 Month to Date Expenses	Pending Approval 09/15/10	2010/2011 YTD REIMB.	2010/2011 YTD ACTUALS	2010/2011 % of Budget YTD
7000	Contract/Services	\$102,000	\$103,759	102%	\$130,000		\$10,735							\$10,735	8%
7001	General Manager	\$221,000	\$221,000	100%	\$270,000		\$46,835					\$1,661		\$46,835	17%
7002	District Staff	\$50,000	\$50,000	100%	\$121,000		\$7,366							\$7,366	6%
7003	Staff Water Related	\$50,000	\$50,000	100%	\$52,500		\$7,500							\$7,500	14%
7004	Landscaping Related (Points)	\$50,000	\$50,000	100%	\$80,000		\$21,427							\$21,427	27%
7005	District Benefits	\$130,000	\$104,787	81%	\$210,000		\$83,362							\$83,362	39%
7010	Legal	\$1,020,000	\$1,079,476	106%	\$1,173,000		\$83,362							\$83,362	7%
7011	Consulting Services	\$48,000	\$101,819	212%	\$80,000		\$3,350							\$3,350	4%
7012	Voipia Operators	\$0	\$0	0%	\$0		\$0							\$0	0%
7013	Voipia Prov & Corrective Fund	\$0	\$0	0%	\$0		\$0							\$0	0%
7014	NPDES Permit	\$0	\$0	0%	\$0		\$0							\$0	0%
7015	Staff Water Related	\$0	\$0	0%	\$0		\$0							\$0	0%
7016	Outsource of Water Billing	\$0	\$0	0%	\$0		\$0							\$0	0%
7100	General Operating Expenses	\$19,000	\$21,025	111%	\$35,000		\$9,892							\$9,892	28%
7101	Audit	\$300,000	\$328,208	109%	\$300,000		\$60,510							\$60,510	20%
7102	Electrical Cost (Water)	\$300,000	\$371,784	124%	\$325,000		\$3,562							\$3,562	1%
7103	Public Cost (Sewer)	\$10,000	\$13,367	134%	\$5,000		\$228							\$228	5%
7104	Election Expenses	\$500	\$0	0%	\$12,000		\$0							\$0	0%
7105	Rent - Public Meetings	\$6,000	\$28,073	468%	\$16,000		\$120							\$120	1%
7106	Memberships	\$30,000	\$29,233	97%	\$50,000		\$6,921							\$6,921	14%
7107	Permits	\$30,000	\$29,233	97%	\$25,000		\$1,531							\$1,531	6%
7108	NPDES NOV Fines (S)	\$3,500	\$1,716	49%	\$2,500		\$1,405							\$1,405	56%
7109	Staff Training	\$300,000	\$354,147	118%	\$350,000		\$103,347							\$103,347	30%
7110	Pump Repairs	\$15,000	\$0	0%	\$15,000		\$0							\$0	0%
7111	NTR / SIP Testing	\$4,699	\$0	0%	\$3,000		\$178							\$178	6%
7112	Special Equipment/Signage	\$50,000	\$97,797	196%	\$55,000		\$4,964							\$4,964	9%
7113	Chemicals/Odor Materials	\$5,000	\$4,697	94%	\$4,500		\$251							\$251	6%
7114	Copier Maint	\$7,000	\$17,497	250%	\$3,000		\$199							\$199	7%
7115	Communications	\$3,000	\$29,109	970%	\$1,000		\$64							\$64	6%
7116	Web Site/Internet	\$3,000	\$4,949	162%	\$4,500		\$731							\$731	16%
7117	Wireless	\$2,500	\$6,871	275%	\$4,000		\$195							\$195	5%
7118	Telephone	\$10,000	\$23,632	236%	\$15,000		\$373							\$373	3%
7119	Site Maintenance/Landscaping	\$5,000	\$21,877	438%	\$10,000		\$105							\$105	2%
7120	Office Bldg / Improvements	\$30,035	\$1,486	5%	\$3,000		\$76							\$76	3%
7121	Office Equipment / Software	\$1,000	\$1,486	149%	\$1,000		\$253							\$253	25%
7122	Office Furnishings	\$3,000	\$6,193	206%	\$3,500		\$427							\$427	12%
7123	Tools	\$18,000	\$25,323	141%	\$19,000		\$5,505							\$5,505	29%
7124	Maint Fuel	\$36,000	\$25,038	70%	\$36,000		\$1,200							\$1,200	3%
7125	Compensation	\$1,000	\$312	31%	\$600		\$548							\$548	92%
7126	Miscellaneous	\$1,000	\$161,203	16120%	\$12,000		\$8,755							\$8,755	73%
7127	Misc. - Reimbursable	\$0	\$0	0%	\$100,000		\$1,150							\$1,150	1%
7128	Misc. - Zoness Reimbursable	\$0	\$0	0%	\$0		\$0							\$0	0%
7129	Insurance	\$60,000	\$102,503	171%	\$48,000		\$2,100							\$2,100	4%
7130	General Liability	\$0	\$0	0%	\$0		\$0							\$0	0%
7131	Worker's Comp	\$3,000	\$5,153	172%	\$5,500		\$700							\$700	13%
7132	County Services	\$600	\$0	0%	\$700		\$0							\$0	0%
7133	Revenue Collection	\$0	\$0	0%	\$2,500		\$0							\$0	0%
7134	Investment Fee	\$0	\$0	0%	\$5,000		\$0							\$0	0%
7135	Data Processing	\$0	\$0	0%	\$2,500		\$0							\$0	0%
7136	Accounting (A/P, A/R, G/L)	\$0	\$0	0%	\$5,000		\$0							\$0	0%
7137	Public Works - permits	\$5,000	\$21,180	424%	\$5,000		\$0							\$0	0%
7138	Reimbursements to Town of DB	\$2,919,100	\$3,711,273	127%	\$3,697,800		\$192,301							\$192,301	5%
TOTAL							\$479,331					\$138,220	\$0	\$647,128	18%

TOWN of DISCOVERY BAY CSD CAPITAL IMPROVEMENT PROGRAM 2010/2011 Approved at 6/16/10 Meeting Account Description		2009/2010 ACTUALS	2009/2010 Budget YTD	% of Budget YTD	2010/2011 BUDGET	8.33% Jul 10 M-T-D Exp.	16.67% Aug 10 M-T-D Exp.	25.00% Sep 10 M-T-D Exp.	33.33% Oct 10 M-T-D Exp.	41.67% Nov 10 M-T-D Exp.	50.00% Dec 10 M-T-D Exp.	Plan to Approve 09/15/10	2010/2010 YTD REIMB.	2010/2011 ACTUALS	2010/2011 Budget YTD % of
SEWER	Rehab Manholes	\$0		0%	\$15,000			\$14,893						\$14,893	99%
0910-006	Landscape Plant #1	\$2,636		53%	\$5,000									\$0	0%
0910-006	Replace Sewer Main	\$0		0%			\$151,290	\$7,450						\$0	0%
0910-007	UV System	\$457,297		114%	\$200,000	\$4,489	\$28,439	\$47,456				\$1,740		\$80,384	#DIV/0!
0910-008	Sanitary Project	\$0		0%										\$0	0%
0910-009	Pumps / Motors Replacement	\$35,470		71%	\$200,000									\$0	0%
0910-010	Wetlands	\$8,304		1%	\$85,000									\$0	0%
1011-001	By-Pass Pipeline	\$0			\$80,000									\$0	0%
1011-002	Replace PLC's	\$0			\$20,000									\$0	0%
1011-003	Bio-Solids Pumps (2) Wet Well	\$0			\$22,000									\$0	0%
1011-004	Rehab Lift Station W	\$0			\$60,000									\$0	0%
1011-005	Bypass Valve Lift Station S	\$0			\$12,000									\$0	0%
1011-006	Wet Cover for UV Area	\$0			\$125,000									\$0	0%
1011-007	Clarifier Cleaning Devices	\$0			\$25,000									\$0	0%
1011-008	Paving for Bio-Solids Area	\$0			\$15,000									\$0	0%
1011-009	New Moles (2)	\$0			\$80,000									\$0	0%
1011-010	Road Crossing Ramps	\$0			\$25,000									\$0	0%
	Sewer Sub Total	\$581,375		36%	\$769,000	\$4,489	\$179,729	\$69,799	\$0	\$0	\$0	\$1,740	\$0	\$254,017	33%
WATER															
0809-002	Well #6 Design & Drill Test Hole	\$475,615		216%	\$6,000		\$38,782	\$816						\$0	0%
0910-011	Security Door Locks (12)	\$12,980		0%	\$2,000									\$0	0%
0910-012	Ladder Vandal Guard	\$0		0%	\$2,972									\$0	0%
0910-013	Pumps / Motors Replacement	\$2,972		20%	\$500,000	\$250								\$250	0%
0910-014	Water Meter Program	\$83,079		13%	(\$500,000)									\$0	0%
	Water Meter Program Reimbursements				\$40,000									\$0	0%
1011-011	Filter Media Replacement	\$0			\$30,000									\$0	0%
1011-012	Stabilize Around Willow Lake	\$0			\$50,000									\$0	0%
1011-013	Rehab Well(s)	\$0			\$50,000									\$0	0%
1011-014	Replace Water Mains	\$0			\$20,000									\$0	0%
1011-015	Water Meter Trailer	\$0			\$20,000									\$0	0%
	Water Sub Total	\$555,237		106%	\$148,000	\$250	\$38,782	\$816	\$0	\$0	\$0	\$0	\$0	\$39,848	27%
OTHER															
1011-016	Pickup Truck (1)	\$0			\$20,000									\$0	0%
1011-017	K-Rail for Bulk Material	\$0			\$15,000									\$0	0%
1011-018	Portable Message Units	\$0			\$30,000									\$0	0%
1011-019	GPS Tracking Device	\$0			\$12,000									\$0	0%
1011-020	Replace Fence Near Marina	\$0			\$15,000									\$0	0%
1011-021	New Chairs for Board Room	\$0			\$6,000									\$0	0%
	Other Sub Total	\$7,251		19%	\$98,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
0102-001	Pipeline Replace Reserve	\$0			\$0									\$0	0%
CREDITS	Reimbursement to Town of DB	\$0			\$0									\$0	0%
	Total CIP Budget	\$1,143,864		71%	\$1,015,000	\$4,739	\$218,512	\$70,614	\$0	\$0	\$0	\$1,740	\$0	\$293,865	#DIV/0!

Request for authorization to pay invoices  
 For the Meeting on September 15, 2010  
 Town of Discovery Bay, D.Bay L&L Park #8  
 For Fiscal Year's 7/10 - 6/11

Acct Code			
1	2120	Discovery Bay Disposal Acct# 17-0001966, dtd 9/01/10 Service for August 2010	\$239.00
2	2120	Town of Discovery Bay Inv# 2441, dtd 9/7/10 Water meter usage for Apr, May, June 2010 66369164	\$1.64
3	2120	Town of Discovery Bay Inv# 2442, dtd 9/7/10 Water meter usage for Apr, May, June 2010 66369164	\$124.12
4	2120	Town of Discovery Bay Inv# 2443, dtd 9/7/10 Water meter usage for Apr, May, June 2010 66369167	\$16.44
5	2120	Town of Discovery Bay Inv# 2444, dtd 9/7/10 Water meter usage for Apr, May, June 2010 64739727	\$162.76
6	2120	Town of Discovery Bay Inv# 2445, dtd 9/7/10 Water meter usage for Apr, May, June 2010 66369168	\$3,776.27
7	2120	Town of Discovery Bay Inv# 2446, dtd 9/7/10 Water meter usage for Apr, May, June 2010 66369169	\$671.57
8	2120	Town of Discovery Bay Inv# 2447, dtd 9/7/10 Water meter usage for Apr, May, June 2010 64139739	\$466.07
9	2120	Town of Discovery Bay Inv# 2448, dtd 9/7/10 Water meter usage for Apr, May, June 2010 66844608	<u>\$4.11</u>
		<b>Sub-Total</b>	<b>\$5,222.98</b>
10	2170	Yuckos Inv# 7317, dtd 9/1/10 Dogspot litter bags and trashliners	\$878.63
11	2281	JaniKing Inv# OAK09100276, dtd 09/01/10 Janitorial Service for September 2010	\$350.00
12	2282	J.W. Backhoe & Const Inv# 1376, dtd 8/13/10 Leak in landscape area WL Road and water leak at 1699 WL Rd	\$710.25
13	2130	Watersavers Irrigation Inv# 1994979, dtd 9/2/10 Fertilizer, stakes, bubbler	\$15.84
14	2130	Watersavers Irrigation Inv# 1993840, dtd 8/30/10 ammonium sulphate, fert tablet, prem starter fert, gloves	\$7.06
	2282	Watersavers Irrigation Inv# 1993840, dtd 8/30/10 ammonium sulphate, fert tablet, prem starter fert, gloves	\$173.51
15	2282	Watersavers Irrigation Inv# 1983995, dtd 8/2/10 2" x 8' Doug Fir Tree Stakes	\$108.38
16	2282	Watersavers Irrigation Inv# 1993783, dtd 8/30/10 Misc. Irrigation repair parts	\$38.24
	4829	Watersavers Irrigation Inv# 1993783, dtd 8/30/10 Misc. Irrigation repair parts	<u>\$3,055.61</u>
		<b>Sub-Total</b>	<b>\$3,398.64</b>
17	2310	Express Employment Inv# 98740297-1, dtd 08/10/10 Temporary Landscape Help	\$726.35
18	4829	A & L Western Ag Labs Inc Inv# 128920, dtd 8/31/10 WL Rd Improvements fertility/salinity pkg	\$122.00
19	4829	UPS Inv# 000012X417350, dtd 8/28/10 Soil samples	\$10.52
20	4953	Bill Brandt Ford Dtd 9/2/10 Ford F150 2010	\$17,029.90
		<b>TOTAL</b>	<b>\$28,688.27</b>



County	Town of Discovery Bay/D Bay L&L Park #8	Operating Expense Budget 10/11	2009/2010 Budget	2009/2010 Actuals	2009/2010 Budget YTD	2010/2011 Budget	8.33% Jul 10 Month to Date Expenses	16.67% Aug 10 Month to Date Expenses	25.00% Sep 10 Month to Date Expenses	33.33% Oct 10 Month to Date Expenses	41.67% Nov 10 Month to Date Expenses	50.00% Dec 10 Month to Date Expenses	Plan to Approve 9/15/2010	2010/2011 Actuals	2010/2011 % of Budget YTD
2100	Office Expenses	\$500	\$1,076	\$150	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2102	Books, Periodicals & Subscriptions	\$50	\$25	\$0	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2103	Postage	\$50	\$0	\$0	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2110	Communications (Messenger, Radio, etc.)	\$1,500	\$1,140	\$1,785	76%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2120	Utilities (Street Lights, Water, & Garbage)	\$105,000	\$89,858	\$117,000	86%	\$239	\$7,702	\$6,598	\$84	\$0	\$0	\$0	\$0	\$0	3%
2130	Small Tools & Instruments	\$1,000	\$875	\$750	87%	\$100	\$735	\$84	\$0	\$0	\$0	\$0	\$0	\$0	3%
2131	Minor Equipment, Furniture Less than \$1000.	\$500	\$1,208	\$975	242%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	123%
2170	Household Items	\$800	\$1,209	\$900	151%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2190	Public Notices	\$100	\$633	\$450	633%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2200	Memberships	\$200	\$85	\$500	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2250	Rent & Lease of Equipment	\$100	\$95	\$220	95%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2251	Computer Software	\$500	\$0	\$950	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2270	Maintenance of Equipment	\$700	\$1,858	\$2,000	265%	\$0	\$159	\$368	\$924	\$0	\$0	\$0	\$0	\$0	0%
2271	Automotive Supplies & Repairs	\$4,100	\$2,246	\$4,000	55%	\$0	\$244	\$350	\$350	\$0	\$0	\$0	\$0	\$0	8%
2272	Gasoline/Fuel for Equipment	\$5,000	\$5,402	\$5,300	108%	\$0	\$350	\$350	\$350	\$0	\$0	\$0	\$0	\$0	15%
2281	Maintenance of Buildings	\$250,000	\$189,315	\$166,484	76%	\$9,915	\$30,450	\$824	\$0	\$0	\$0	\$0	\$0	\$0	7%
2282	Grounds Maintenance	\$500	\$0	\$100	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	25%
2284	Requested Maintenance from County (3620)	\$300	\$790	\$1,500	263%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2301	Auto Mileage/Employee Reimbursement	\$200	\$102	\$8,100	51%	\$366	\$11,671	\$400	\$0	\$0	\$0	\$0	\$0	\$0	0%
2303	Other Travel/Employee Expenses	\$10,000	\$11,116	\$39,064	111%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2310	Professional Services	\$63,000	\$39,064	\$72,000	62%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	9%
2360	Staff Payroll	\$8,000	\$10,389	\$5,200	130%	\$0	\$647	\$59	\$0	\$0	\$0	\$0	\$0	\$0	0%
2470	Insurance	\$1,000	\$0	\$3,500	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
2479	Road/Construction Materials (Street Signs)	\$5,000	\$5,810	\$3,000	116%	\$0	\$647	\$59	\$0	\$0	\$0	\$0	\$0	\$0	0%
2490	Other Special Expenses	\$200	\$21	\$300	10%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	20%
3530	Miscellaneous Services & Supplies	\$4,500	\$0	\$500	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
3611	Taxes & Assessments	\$500	\$0	\$500	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
5011	Interfund Exp - Gov/Gov (Investment Svcs/Property Tax Adm. Costs)	\$500	\$0	\$500	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
Misc.	Reimbursement-Gov/Gov County Administration Chrgs	\$500	\$0	\$500	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
	Reserves	\$0	\$0	\$0	0%	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%
	Total Expenses	\$465,100	\$362,238	\$394,494	78%	\$10,619	\$52,065	\$8,664	\$0	\$0	\$0	\$0	\$8,470	\$71,349	18%

Miscellaneous Adjustments:

County	Town of Discovery Bay/D. Bay L&L Zone #8	Capital / Asset Budget 10/11	Approved at 6/16/10 Meeting	2009/2010 Budget	2009/2010 Actuals	2009/2010 % of Budget YTD	2010/2011 Budget	8.33% Jul 10 Month to Date Expenses	16.67% Aug 10 Month to Date Expenses	25.00% Sep 10 Month to Date Expenses	33.33% Oct 10 Month to Date Expenses	41.67% Nov 10 Month to Date Expenses	50.00% Dec 10 Month to Date Expenses	Approve 9/15/2010	2010/2011 Actuals	2010/2011 % of Budget YTD
4265	Various Improvements	\$7,500	\$4,842	65%	\$7,500											
4346	Structure & Walkway Repairs	\$3,500	\$0	0%	\$3,500											
4789	DB L&L Zone #8 Playground Equipment	\$3,000	\$0	0%	\$115,000											
4829	DB L&L Zone #8 Landscape Master Plan Entar	\$0	\$0	0%												
4834	DB L&L Zone #8 Misc. Projects (1)	\$233,100	\$9,314	4%	\$350,000	\$21								\$3,138	\$21	0%
4953	Cornell Park - Discovery Bay	\$3,000	\$0	0%	\$7,500											0%
4956	Tools & Sundry Equipment	\$1,000	\$26	3%	\$1,000									\$17,030		0%
	Total	\$251,100	\$14,182	6%	\$484,500	\$21	\$1,965	\$0	\$0	\$0	\$0	\$0	\$0	\$20,218		0%

\*\*\*  
 1 DB L&L Zone #8 Misc. Projects (1) \$120,000  
 Willow Lake Rd \$230,000  
 2 Discovery Bay Blvd. (East) \$350,000

**Request for authorization to pay invoices  
For the Meeting on September 15, 2010  
Town of Discovery Bay, D.Bay L&L Park #9 (Ravenswood)  
For Fiscal Year's 7/10 - 6/11**

<b>Acct Code</b>			
1	2170	Yuckos Inv# 7317, dtd 09/01/10 Dogipot Litter Bags	<b>\$192.87</b>
2	2190	Bay Area News Group Ref# 0003635786, dtd 8/31/10 Splash Pad Bld	<b>\$200.40</b>
3	2282	Cleary Bros. Inv# I-61521, dtd 8/25/10 Ravenswood Park tree treatment	<b>\$1,050.00</b>
<b>TOTAL</b>			<b>\$1,443.27</b>

Town of Discovery Bay/ L&L #9 Ravenswood Operating Expense Budget Approved at 6/16/10 Meeting		2009/2010 Budget	2009/2010 YTD ACTUALS	2009/2010 % of Budget YTD	2010/2011 Budget	8-33% Jul 10 Month to Date Expenses	16-67% Aug 10 Month to Date Expenses	25-00% Sep 10 Month to Date Expenses	33-33% Oct 10 Month to Date Expenses	41-67% Nov 10 Month to Date Expenses	50.00% Dec 10 Month to Date Expenses	Planned to Pay 9/15/2010	2010/2011 YTD REIMB. ACTUALS	2010/2011 Budget YTD % of
2100	Office Expenses	\$150	0	0%	\$150									
2103	Books, Periodicals & Subscriptions	\$50	60	120%	\$50	\$921	\$7,814	\$3,226	\$0	\$0	\$0	\$1,443	\$11,961	12%
2110	Communications (Messenger, Radio, etc.)	\$50	1,497	2993%	\$50								\$102	68%
2120	Utilities (Street Lights, Water, & Garbage)	\$100	0	0%	\$650		\$60						\$0	0%
2130	Small Tools & Instruments	\$5,000	0	0%	\$12,500		\$1,497						\$60	9%
2131	Minor Equipment, Furniture Less than \$1000.	\$100	0	0%	\$100								\$1,497	12%
2170	Household Items	\$100	53	53%	\$500								\$0	0%
2190	Public Notices	\$9	581	6444%	\$700								\$0	0%
2200	Memberships	\$50	38	76%	\$150		\$53					\$193	\$0	0%
2250	Rent & Lease of Equipment	\$50	0	0%	\$165							\$200	\$53	35%
2251	Computer Software	\$500	0	0%	\$500								\$0	0%
2270	Maintenance of Equipment	\$200	109	55%	\$200	\$940	\$2,100	\$255					\$0	0%
2271	Automotive Supplies & Repairs	\$300	0	0%	\$300								\$0	0%
2272	Gasoline/Fuel for Equipment	\$300	0	0%	\$500								\$0	0%
2282	Grounds Maintenance	\$54,000	32,593	60%	\$48,540	\$81	\$3,720	\$2,920				\$1,050	\$6,721	14%
2301	Auto Mileage/Employee Reimbursement	\$100	129	129%	\$250								\$0	0%
2303	Other Travel/Employee Expenses	\$5,000	46	1%	\$2,000								\$0	0%
2310	Professional Services	\$13,000	2,890	23%	\$25,500								\$3,195	16%
2360	Staff Payroll	\$5,000	356	7%	\$1,850								\$0	0%
2470	Road/Construction Materials (Street Signs)	\$5,000	0	0%	\$500		\$333						\$0	0%
2479	Other Special Expenses	\$1,000	1,249	125%	\$300								\$333	67%
3450	Miscellaneous Services & Supplies	\$1,000	0	0%	\$300								\$0	0%
5011	Taxes & Assessments	\$1,000	0	0%	\$500								\$0	0%
5011	Reimbursement-Gov/County Admin. Chrgs	\$100	0	0%	\$500								\$0	0%
Misc.	Reserves	\$85,150	39,600	47%	\$95,955	\$921	\$7,814	\$3,226	\$0	\$0	\$0	\$1,443	\$11,961	12%
Total Expenses:		\$85,150	39,600	47%	\$95,955	\$921	\$7,814	\$3,226	\$0	\$0	\$0	\$1,443	\$11,961	12%

Reserves=  
Total Reserves  
\* Maintenance includes bioswales/mitigation areas.  
\* Future budget for utilities etc. to be based on actuals.

Town of Discovery Bay/L&L #9 Ravenswood  
Capital / Asset

For 2007/08 there is no planned Capital Improvement  
Plans  
Miscellaneous Adjustments:



# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

September 15, 2010

**Prepared By:** Fairin Perez, Landscape Manager  
**Submitted By:** Rick Howard, General Manager *RH*

### Agenda Title

Consideration of Vegetation Agreement between the Town of Discovery Bay CSD and Reclamation 800 District pertaining to landscape of levee's under the jurisdiction of Reclamation District 800.

### Recommended Action

Approve and authorize the President of the Board to enter into the attached "Vegetation Encroachment Agreement" with the Reclamation District No. 800.

### Executive Summary

Staff has been working on a Capital Improvement Project to enhance the landscaping along the west side of Discovery Bay Boulevard from Sand Point Road to Seal Way. However, the property in question falls into the levee zones which are maintained, operated, and under the jurisdiction of Reclamation District 800. Due to recent regulatory changes regarding vegetation restriction, Reclamation District 800 will not approve the installation of landscaping within the levee areas unless the attached agreement is approved by both governing boards.

Staff previously received and presented the attached "Vegetation Encroachment Agreement" with Reclamation District 800 at the July 7, 2010<sup>th</sup> Town of Discovery Bay Community Service District Board Meeting. The agreement applies to future landscape renovations and enhancements that are undertaken within the levee zones maintained and operated by Reclamation District 800. Board and Staff comments were taken to Reclamation District 800 and a revised agreement was drafted.

The District Manager for Reclamation District 800 was approved and authorized to enter into this agreement during their September 2, 2010, Board of Directors Meeting. Although several minor changes were made, the most significant revision is to Section 3 "Financial Assurances." Reclamation District 800 will no longer require the Town of Discovery Bay CSD to hold funds in a separate account or provide additional insurance coverage; instead, however, the Town of Discovery Bay CSD shall identify a separate line item within the budget for Landscape and Lighting Zone #8 as "Vegetation Removal Fund." A total of 10% of the capital costs of the planting project shall be identified in this line item.

### Fiscal Impact:

Amount Requested - None at this time

Sufficient Budgeted Funds Available?: N/A

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

### Previous Relevant Board Actions for This Item

Review and Discussion by Town of Discovery Bay CSD Board of Directors, - July 7, 2010

### Attachments

Vegetation Encroachment Agreement between the District and Reclamation District 800

AGENDA ITEM: D-4

RECORDING REQUESTED BY  
REQUESTED BY RECLAMATION DISTRICT NO. 800  
(BYRON TRACT)

WHEN RECORDED MAIL TO

NAME Jeffrey D. Conway  
District Manager  
Reclamation District No. 800 (Byron Tract)

MAILING ADDRESS P.O. Box 262

CITY, STATE ZIP CODE Byron, California 94514

Exempt from Recorder's Fees  
Government Code §

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

### Vegetation Encroachment Agreement<sup>1</sup>

This Agreement ("**Agreement**") is entered into and effective this \_\_\_ day of \_\_\_, 2010, by and between the Town of Discovery Bay ("**Town**"), a California Community Services District, and Reclamation District No. 800 (Byron Tract) (the "**District**"), a California Reclamation District (each a "**Party**" and collectively "**the Parties**").

#### Recitals

- A. The District owns, maintains, and operates flood control works ("**District Works**") in and around the unincorporated community of Discovery Bay, located in the County of Contra Costa.
- B. The Town provides public services to the community of Discovery Bay. It proposes to plant trees, shrubs, and/or other vegetation on the District Works for landscaping and beautification purposes.
- C. The United States Army Corps of Engineers ("**USACE**") has adopted a policy which requires removal of any vegetation on or along levees. Although to date USACE has not to date enforced this policy in California, the Parties believe that it may begin to do so at some point in the future. The Parties also believe that the Federal Emergency Management Agency ("**FEMA**") may begin to rely upon USACE standards in evaluating and certifying whether levees provide 100-year protection and so in determinations of whether the residents of an area are required to purchase flood insurance.
- D. The District is not, as a matter of principle, opposed to the Town's planting vegetation on the District Works. However, the District wishes to ensure that it will not be responsible

<sup>1</sup> This Document Affects Document Recorded Concurrently Herewith.

for removal of the vegetation if USACE or FEMA enforces the “no vegetation” policy in California in the future.

- E. The Town is willing to take responsibility for removing any vegetation it plants on the District Works, as shown in Exhibit \_\_\_, if such removal is required in the future.

### Agreements

1. Authorized Vegetation. The District will permit the Town to plant and maintain vegetation on and/or along the District Works in the area shown in Exhibit \_\_\_ to this Agreement. The Town will fully comply with vegetation regulations promulgated by the Central Valley Flood Protection Board, Cal. Code Regs. tit. 23, § 131 (effective Dec. 31, 2009), including without limitation the obligation to maintain such vegetation in a manner that does not interfere with the District’s maintenance of the District Works, as those regulations may change from time to time. The Town, at its sole cost, shall be responsible for obtaining any permits or authorizations needed to plant such vegetation from the appropriate agencies and for all costs associated with compliance with such permits and shall be solely responsible for all costs (including any permitting) necessary to maintain such vegetation in a manner that complies with all applicable laws, regulations or ordinances.
2. Vegetation Removal. The District may, in its sole and reasonable discretion, order the Town to remove the vegetation planted pursuant to this Agreement upon the occurrence of any of the following: (i) a decision or written threat by USACE’s Sacramento District (or higher authority within USACE) or FEMA to enforce the “no vegetation” standard at any flood control work or facility located under the jurisdiction of the USACE District office in Sacramento, (ii) the adoption by the State of California, the Department of Water Resources, or the Central Valley Flood Protection Board of policies or standards inconsistent with Cal. Code Regs. tit. 23, § 131 as it stood on December 31, 2009 (including the revision of that section to incorporate or reflect the USACE “no vegetation” policy), or (iii) a determination by the District that the vegetation planted by the Town lessens the structural integrity or functional capability of the District Works. Upon the occurrence of any one of these three events and an order by the District to remove vegetation from the District Works, the Town shall remove all vegetation planted by the Town and restore the District Works to the District’s standards for soil content, compaction and other geophysical characteristics within 90 days of receiving such an order from the District.
3. Financial Assurances. To ensure that the Town is able to bear the cost of vegetation removal and levee restoration if such becomes necessary, the Town agrees to provide financial assurances as follows. Upon commencing any planting of vegetation upon or adjacent to the District Works, the Town shall transfer funds equal to 10% of the capital costs of the vegetation project into a separate line item in the Town’s annual budget that shall be identified as the “Vegetation Removal Fund.” The Town shall only expend

funds transferred to the Vegetation Removal Fund in order to pay the costs of any vegetation removal required by the District pursuant to paragraph 2 above.

4. Indemnification. The Town shall save and hold the District free and harmless from and shall indemnify the District from and against any and all costs (including reasonable attorney's and expert's fees), losses, claims, liabilities or damages arising out of or resulting from the Town's planting of vegetation on the District Works pursuant to this Agreement, including but not limited to all costs of restoring the District Works in case of failure resulting from the planting of vegetation on the District Works. In addition, the Town shall pay the District's costs to defend any actions arising out of or resulting from the Town's planting of vegetation on the District Levee pursuant to this Agreement, with counsel mutually selected by the District and the Town.
5. Enforcement; Successors and Assigns. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the Parties; provided, however, that the Town shall not delegate its responsibilities under this Agreement without first obtaining the written consent of the District, which consent shall not be unreasonably withheld. The District shall be responsible for proper recordation of this Agreement.
6. Governing Law. This Agreement shall be governed by, interpreted under and enforced in accordance with the laws of the State of California. Any action to enforce or interpret this Agreement shall be brought in the County of Contra Costa.
7. No Guarantees, Representations or Warranties. By entering into this Agreement, the District provides no guarantees, representations or warranties to the Town with respect to the length of time the vegetation planted by the Town will be permitted to remain on the District Levee.
8. Waivers. Waiver of breach or default under this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach or default.
9. Partial Invalidity. If, after the date of execution of this Agreement, any provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws effective during the term of this Agreement, such provision shall be fully severable. However, in lieu thereof, there shall be added a provision as similar in terms to such illegal, invalid or unenforceable provision as may be possible and be legal, valid and enforceable.
10. Attorney's Fees. In the event any legal action is commenced to enforce this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees, costs and expenses incurred.



11. Term. This Agreement shall take effect when executed by the Parties and shall remain in effect until the vegetation is removed from the District Levee and said District Levee is restored to the satisfaction of the District or its successor in interest.
12. Entire Agreement. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the Parties with respect to the subject matter of this Agreement. This Agreement supersedes all prior negotiations, representations, or agreements.
13. Modification. This Agreement may be modified only by an agreement in writing signed by each Party.
14. Notices. All notices to be given under this Agreement shall be in writing and delivered to the persons and addresses set forth below, or to any other address provided by one to the other in writing.

Town of Discovery Bay  
 1800 Willow Lake Road  
 Discovery Bay, CA 94505  
 Telephone: (925) 634-1131

Reclamation District No. 800  
 P.O. Box 262  
 Byron, CA 94514  
 Telephone: (925) 634-2351

15. Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, capacity and authority to enter into and execute this Agreement, and to thereby bind the respective Parties.

Reclamation District No. 800:

\_\_\_\_\_  
 Bob Anderson, President, Board of Trustees

Date: \_\_\_\_\_

Town of Discovery Bay:

\_\_\_\_\_  
 Kevin Graves, President, Board of Directors

Date: \_\_\_\_\_

[Add Notary forms]



# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

September 15, 2010

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

### Agenda Title

Notice of Exemption for Discovery Bay Boulevard / Sand Point Road Landscape Plantings

### Recommended Action

Approve and authorize Staff to sign and record the Notice of Exemption (CEQA) for the Discovery Bay Blvd. / Sand Point Road Landscape Planting capital improvement project.

### Executive Summary

As required by the California Environmental Quality Act (CEQA), any project performed by a governmental agency must be reviewed for compliance with the laws and regulations of the act. The agency must first determine if the projects requires an environmental review or if it is exempt from CEQA. If the agency finds the project exempt, they must approve and file a Notice of Exemption.

Upon review of the Discovery Bay Blvd. / Sand Point Road Landscape Planting project, Staff found that the improvements were exempt for Categorical reasons. A copy of the draft form of the Notice of Exemption is attached for your review and possible approval.

### Fiscal Impact:

Amount Requested - None

Sufficient Budgeted Funds Available?: N/A

### Previous Relevant Board Actions for This Item

### Attachments

Notice of Exemption – Discovery Bay Boulevard / Sand Point Road Landscape Plantings

AGENDA ITEM: D-5

# Notice of Exemption

Form D

To:  Office of Planning and Research  
PO Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

From: (Public Agency) \_\_\_\_\_  
Town of Discovery Bay CSD  
1800 Willow Lake Rd., Discovery Bay, Ca  
(Address)

County Clerk  
County of Contra Costa  
555 Escobar Street  
Martinez, CA 94553

Project Title: Discovery Bay Blvd. / Sandpoint Road Landscape Plantings

### Project Location - Specific:

West side of Discovery Bay Blvd. from Seal Way to Sandpoint Road, and extending West along the South side of Sandpoint Road (Levee Area only).

Project Location - City: Discovery Bay Project Location - County: Contra Costa

### Description of Project:

Removal of poor performing, hazardous, or deceased plant material; installation of low to very low water use ground cover, shrubs and trees. Includes clearing, minor grading, and mulching.

Name of Public Agency Approving Project: Town of Discovery Bay CSD

Name of Person or Agency Carrying Out Project: Town of Discovery Bay CSD

### Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);  
 Declared Emergency (Sec. 21080(b)(3); 15269(a));  
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c));  
 Categorical Exemption. State type and section number: 15304 (b) ; 15301  
 Statutory Exemptions. State code number: \_\_\_\_\_

### Reasons why project is exempt:

The replacement of landscaping involves no expansion of the existing use of the land. The project will include replacing the current conventional landscape with plants with a low to very low water use requirement; improving the water efficiency and conservation.

### Lead Agency

Contact Person: Fairin Perez Area Code/Telephone/Extension: (925) 634.1733

### If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

- Signed by Lead Agency  
 Signed by Applicant
- Date received for filing at OPR: \_\_\_\_\_

January 2004



# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

September 15, 2010

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

### Agenda Title

Orwood Resort and Delta RV and Boat Storage – Direction to Staff

### Recommended Action

- 1) That the Board ratify the direction given to staff on item G1 at the August 4, 2010 Board meeting; and
- 2) That the Board ratify the direction given to staff on item G2 at the August 4, 2010 Board meeting.

### Executive Summary

At the August 4, 2010 Board Meeting, the Board directed that staff draft letters on two (2) items – Items G1 and G2 were both similar in nature as they were both Agency Comment Requests from the County regarding applications regarding Orwood Resort and Delta RV and Boat Storage. During the meeting, there was a request for a “recommendation” by the President, and a “recommendation” was presented by another Board member. That recommendation constituted a motion. The Board President then asked if the Board had any other questions and if the “recommendation” was acceptable. Hearing no negative response from the Board, the President directed staff to draft letters of support to the County, and indicate that they did not have any comments that were applicable to the Agency Comment Request regarding the respective individual applications. However, the recording of the meeting and minutes failed to reflect a formal vote on the direction given to staff. It is appropriate to correct that at this time.

Since the minutes do not reflect how each Board member voted, ratification by motion and a vote is recommended.

### 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

August 4, 2010

### Attachments

Agenda Item G1 – August 4, 2010  
Agenda Item G2 – August 4, 2010  
Minutes from August 4, 2010 – pages 1 and 3  
Letters to County

AGENDA ITEM: D-6



# Town of Discovery Bay CSD AGENDA REPORT

Meeting Date

August 4, 2010

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

**CO COPY**

**Agenda Title**

Discuss and comment on Land Use Permit Application for Orwood Resort RV Park Modifications

**Recommended Action**

Review applicants' submittal to the Contra Costa County Department of Conservation and Development and comment as necessary.

**Executive Summary**

Owners of the Orwood Resort (4451 Orwood Road, Brentwood CA) have submitted an application to the Contra Costa County Department of Conservation and Development seeking approval for site modifications to the property. Proposed modifications include expansion of the existing restaurant; replacement of the existing fuel dock; and conversion of the tent campground to an RV campground.

The County Department of Conservation and Development is seeking public input and comments from residents and the Board regarding this Land Use Permit Application.

**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**

April 21, 2010

**Attachments**

Contra Costa County Department of Conservation and Development Land Use Permit Application: ORWOOD

**AGENDA ITEM: G-1**

COMMUNITY  
DEVELOPMENT  
DIVISION

CONTRA COSTA COUNTY  
DEPARTMENT OF CONSERVATION AND DEVELOPMENT

651 Pine Street  
4<sup>th</sup> Floor, North Wing  
Martinez, CA 94553-0095



TOWN OF DISCOVERY BAY  
RECEIVED  
4-7-10

Phone: (925) 335-1210

Date: April 6, 10

AGENCY COMMENT REQUEST

We request your comments regarding the attached application currently under review.

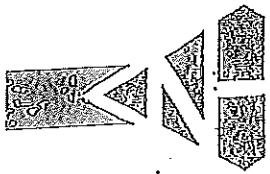
<p style="text-align: center;"><b>DISTRIBUTION</b></p> <p><input checked="" type="checkbox"/> Building Inspection/Grading Inspection</p> <p><input checked="" type="checkbox"/> HSD, Environmental Health, Concord</p> <p><input checked="" type="checkbox"/> HSD, Hazardous Materials- Fuel tank Relocation</p> <p><input checked="" type="checkbox"/> P/W - Flood Control (Full Size)</p> <p><input checked="" type="checkbox"/> P/W - Engineering Svcs (Full Size) SWCP</p> <p>Date Forwarded <u>4/6/10</u></p> <p><input type="checkbox"/> P/W Traffic (Reduced)</p> <p><input type="checkbox"/> P/W Special Districts (Reduced)</p> <p><input type="checkbox"/> Advanced Planning</p> <p><input type="checkbox"/> Redevelopment Agency/Housing</p> <p><input checked="" type="checkbox"/> Historical Resources Information System</p> <p><input type="checkbox"/> CA Native Amer. Her. Comm.</p> <p><input checked="" type="checkbox"/> CA Fish &amp; Game, Region <u>3</u></p> <p><input type="checkbox"/> US Fish &amp; Wildlife Service</p> <p><input checked="" type="checkbox"/> Fire District <u>East Co Co</u></p> <p><input type="checkbox"/> Sanitary District</p> <p><input type="checkbox"/> Water District</p> <p><input checked="" type="checkbox"/> City <u>Brentwood</u></p> <p><input checked="" type="checkbox"/> School District <u>Liberty / Knightsen</u></p> <p><input type="checkbox"/> Sheriff Office - Admin. &amp; Comm. Svcs.</p> <p><input checked="" type="checkbox"/> MAC <u>Knightsen / Town of Discovery Bay</u></p> <p><input type="checkbox"/> DOIT - Dep. Director, Communications</p> <p><input type="checkbox"/> CDD-GIS</p> <p><input type="checkbox"/> LAFCO</p> <p><input type="checkbox"/> Mineral Rights Holder</p> <p><input checked="" type="checkbox"/> <u>Consolidated Fire</u></p> <p><input checked="" type="checkbox"/> <u>Discovery Bay CSD</u></p> <p>Community Organizations</p>	<p>Please submit your comments as follows:</p> <p>Project Planner <u>Lashun Cross</u></p> <p>County File Number: <u>LP 072025</u></p> <p>Prior To: <u>April 27, 2010</u></p> <p>We have found the following special programs apply to this application:</p> <p><u>No</u> Redevelopment Area</p> <p><input type="checkbox"/> Active Fault Zone</p> <p><u>AE</u> Flood Hazard Area, Panel # _____</p> <p><input type="checkbox"/> 60 dBA Noise Control</p> <p><u>No</u> CA EPA Hazardous Waste Site</p> <p><input type="checkbox"/> Traffic Zone _____</p> <p><input type="checkbox"/> CEQA Exempt</p> <p>Categorical Exemption Section</p> <p><u>Revised Plans / Co 3</u></p>
--	--

Please indicate the code section of recommendations that are required by law or ordinance. Please send copies of your response to the Applicant & Owner.

- No comments on this application.
- Our comments are attached.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_  
Agency \_\_\_\_\_  
Date \_\_\_\_\_



# HUMANN COMPANY INC.

ENGINEERING ♦ SURVEYING

1021 Brown Ave. Lafayette, CA 94549

(925) 283-5000

FAX 283-3578

humann@pacbell.net

March 25, 2010

Contra Costa County  
ATT: Homira Shafaq  
Planning Department  
651 Pine Street  
Martinez, CA 94553

DEPARTMENT OF  
CONSTRUCTION  
MARTINEZ, CALIFORNIA

2010 MAR 30 P 14 14

CONTRA COSTA  
COUNTY

RE: Land -Use Permit 07-02025  
File 92-2025-07

Dear Homira,

The following are my comments regarding your memo dated January 28, 2010 regarding the above referenced project.

This project drains via swales, etc., located on the property to a sump pump located next to the levee, the runoff is then pumped onto the slough. This system is private and not maintained by the county.

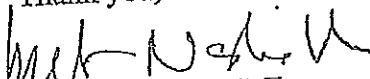
The applicant is working with Army Corps of Engineers, etc. for permits.

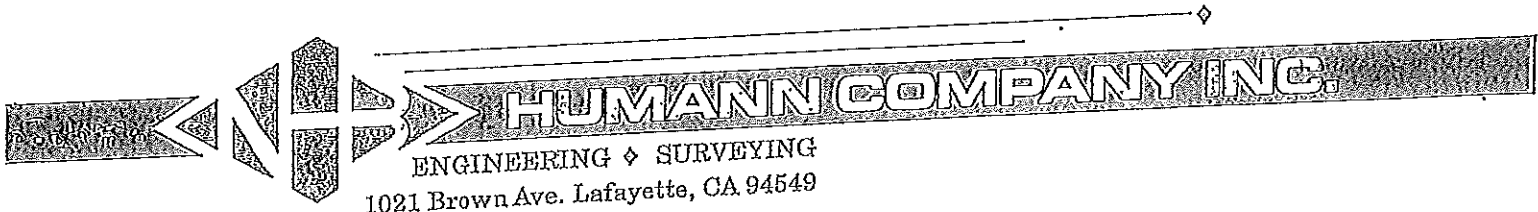
The applicant will comply with C-3 requirement. A study have been submitted to Engineering Services.

All structures within the 100 year flood boundary will meet FEEMA standards.

If you have any questions or concern, please contact me direct at 925-283-5001.

Thank you,

  
Izzat Nashashibi, P.E.



ENGINEERING ♦ SURVEYING  
1021 Brown Ave. Lafayette, CA 94549

(925) 283-5000 FAX 283-3578

humann@pacbell.net

March 25, 2010

Contra Costa County  
ATT: Monish Sen  
Public Works Department  
255 Glacier Drive  
Martinez, CA 94563

DEPARTMENT OF  
PUBLIC WORKS  
2010 MAR 30 P 1:14  
CONTRA COSTA  
COUNTY

RE: LP-02025

Dear Monish,

We revised the plans and the accompanying studio per your memo dated December 7, 2009 and based on our subsequent discussions. The following is additional descriptions of the items discussed in your memo.

Offsite Improvements

Revised plans to show proposed frontage improvements. See Sheet 9

Collect and convey drainage system

All drainage originating from the site is conveyed via existing and new vegetated earth ditches to an existing pump located in the south portion of the site. The runoff is then pumped into Werner dredge cut over the existing Levee Road via an existing drainage pipe. The existing pump system will be upgraded to handle the existing and generated runoff. Accordingly, the existing drainage pattern will not be altered and the downstream system (being the Delta) is adequate.

C-3

C-3 study has been revised.

If you have any questions or concern, please contact me direct at 925-283-5001.

Thank you,

*Muzat Nashashibi*  
Muzat Nashashibi, P.E.



CONTRA COSTA COUNTY  
COMMUNITY DEVELOPMENT DEPAR

PLANNER ASSIGNED

APPLICATION

TO BE COMPLETED BY APPLICANT/OWNER

OWNER  
Name Flaine Caprio  
Address 4451 Orwood Rd  
City, State Brentwood CA  
Phone 925-634-7121 Zip 94513

APPLICANT  
Name John Caprio  
Address 4451 Orwood Rd  
City, State Brentwood CA  
Phone 925-260-3616 Zip 94513

By signing below, owner agrees to pay all costs, including any accrued interest, if costs not paid by the applicant.

By signing below, the applicant agrees to pay all costs for processing this application, plus any accrued interest, if costs not paid within 30 days of invoicing.

Indicate here if billings are to be sent to applicant rather than owner.

Applicant's Signature Flaine Caprio

Applicant's Signature [Signature]

CONTACT PERSON (optional)  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State \_\_\_\_\_ Zip \_\_\_\_\_

PROJECT DATA  
Total Parcel Size \_\_\_\_\_  
Number of Units \_\_\_\_\_  
Estimated Project Value \_\_\_\_\_  
Comm./Ind. Sq. Footage \_\_\_\_\_  
APPLICATION TYPE  
 Development Plan  
 Land Use Permit  
 DP/LUP Combo  
 Other

Notes of Request: (Attach supplemental statements if necessary) See Attached

MODIFICATION TO LAND USE PERMIT FOR ORWOOD RESORT: RELOCATE EXISTING RESTAURANT/PERMIT FOR EVENTS; CONVERT RESTAURANT TO OFFICE AND STORE; REPLACE EXISTING FUEL DOCK; CONVERT TENT CAMPGROUND INTO RV CAMPGROUND; ADD PEDESTRIAN BRIDGE. needed

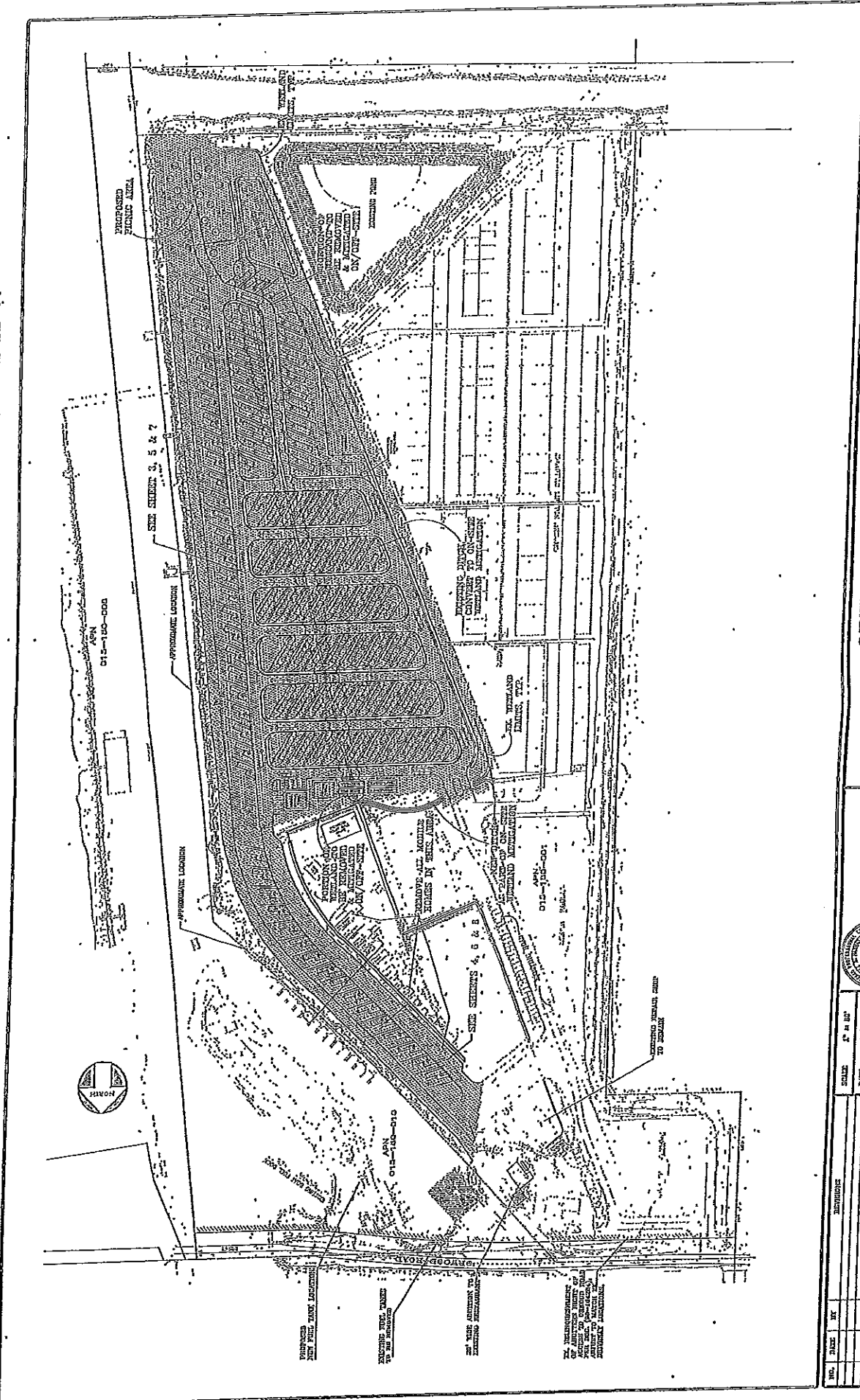
SITE IS ADDRESSED AT 4451 ORWOOD ROAD IN THE BRENTWOOD AREA


Assessor's No.	S-CODE	FEE AMOUNT	Type of Fee
015-180-010	S-	\$ 2,700	*Base Fee/Deposit
	S-066	\$ -	*Late Filing Penalty (if applicable - 50% of above)
	S-014	\$ -	# Units <u>   </u> x 195 (Development Plan)
	S-014	\$ -	Sq. Ft. x .20
	S-029	\$ -	1/2 % value over \$100,00 (of est. Project value LUP)
	S-052B	\$ 30	Notification Fee #Addresses x \$1.50 + \$30
	S-048	\$ 75.00	Fish & Game Posting (if not CEQA exempt)
	5884	\$ 33.00	Environmental Health
		\$ -	Other
		\$ 2,838	TOTAL
			Receipt # _____
			Other _____

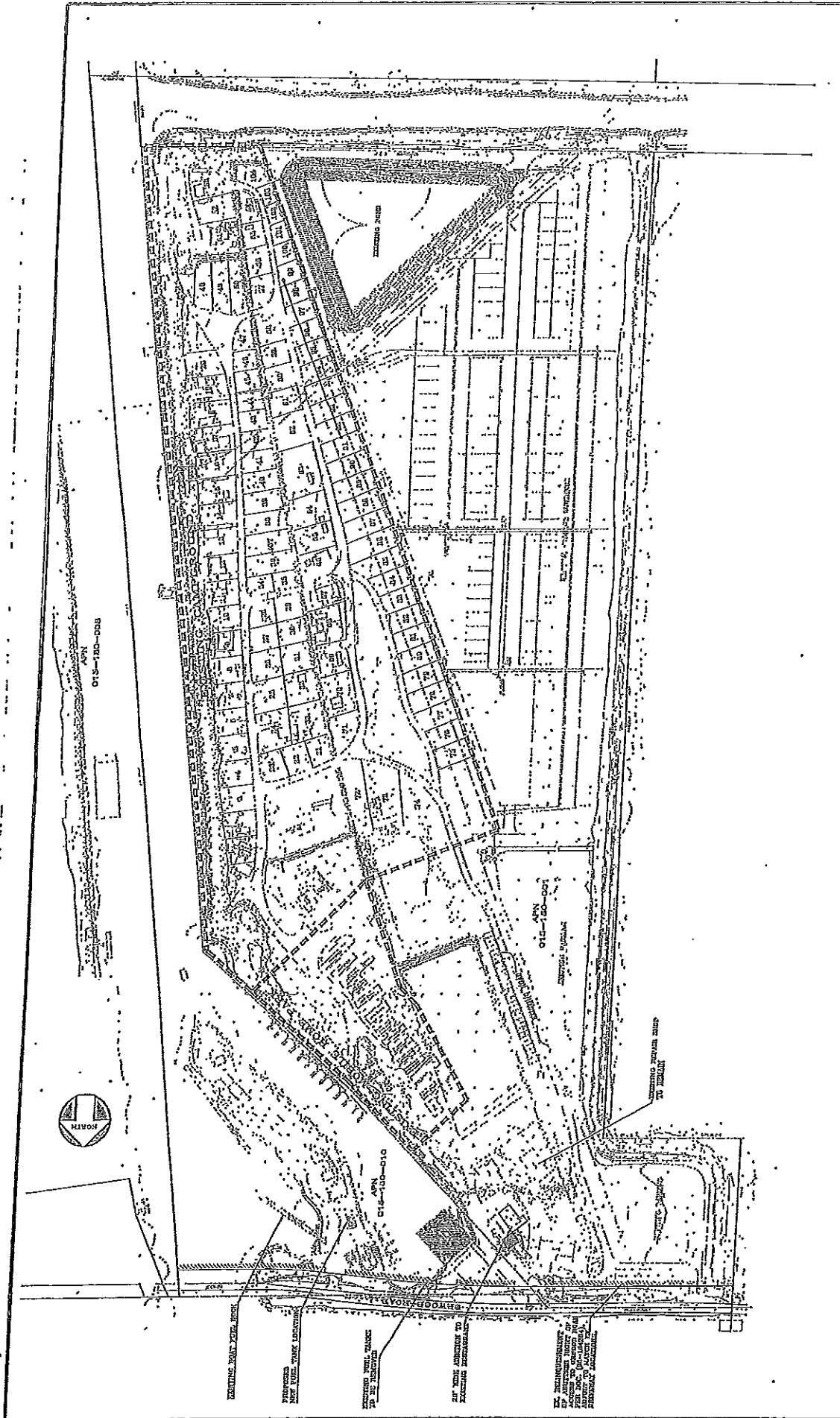
Assessor's No. 015-180-010  
Site Address 4451 ORWOOD RD  
Zoning District A-2  
Census Tract 3040.00  
Atlas Page L-28  
General Plan AL  
Supervisory Dist. 3  
Rec'd by JOHN O'BORNE  
Date Filed 4/30/07  
File Number LP07-2025

\* ADDITIONAL FEES BASED ON TIME AND MATERIALS WILL BE CHARGED AFTER STAFF COSTS EXCEED BASE FEE





		<b>ORWOOD RESORT</b> <b>PROPOSED RV PARK</b> <b>KEY MAP</b>		SHEET <b>2</b> OF 3 SHEETS	
CONTRA COSTA COUNTY CALIFORNIA		JOB NO. 2784-87		DATE 11/15/87	
SCALE 1" = 40'		DATE 11/15/87		DRAWN BY [Name]	
CHECKED BY [Name]		DATE [Date]		JOB NO. 2784-87	
PROJECT NO. [Number]		SHEET NO. [Number]		TOTAL SHEETS [Number]	



REVISIONS		DATE	BY	SCALE	DATE	BY	DATE	BY

WILLIAM W. REMICK, P.E.  
10000  
STATE OF CALIFORNIA

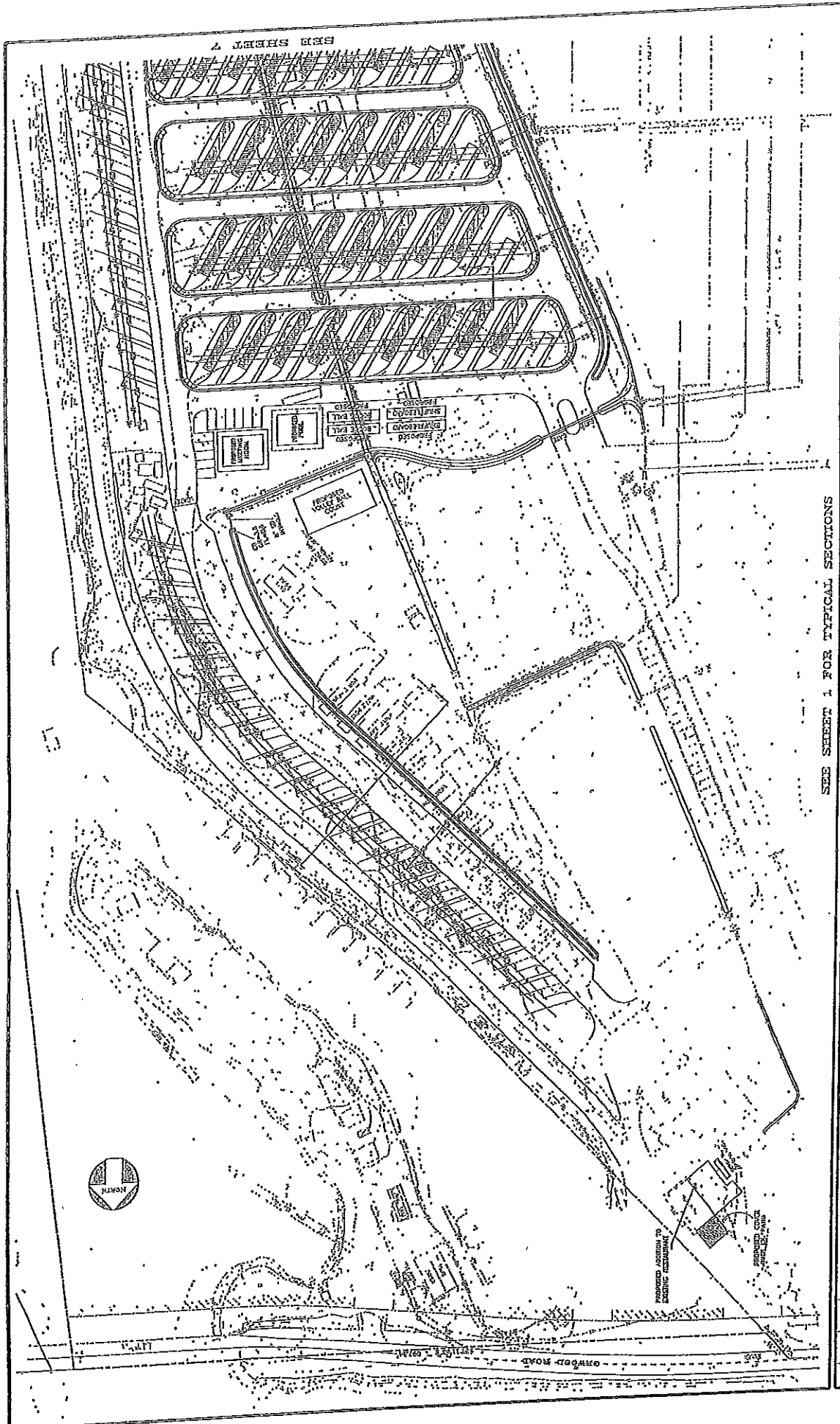
WILLIAM W. REMICK ARCHITECT  
10000  
STATE OF CALIFORNIA

**ORWOOD RESORT**  
PROPOSED BY PARK  
EXISTING CONDITIONS  
CONTRA COSTA COUNTY  
CALIFORNIA

SHEET 2a  
OF 3 SHEETS  
JOB NO. 1780-17







SEE SHEET 7

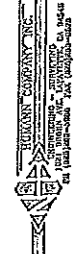
SEE SHEET 1 FOR TYPICAL SECTIONS

**ORWOOD RESORT**  
**PROPOSED UTILITY PLAN**  
 CONTRA COSTA COUNTY



SCALE: 1" = 40'  
 DATE: 02/27/14  
 DRAWING BY: [Signature]  
 JOB NO.: 0144-07

NO.	DATE	BY	REVISION



CALIFORNIA

SHEET 8  
 OF 9 SHEETS  
 JAN. 20, 2014



# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

August 4, 2010

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

**CC COPY**

### Agenda Title

Discuss and comment on Land Use Permit Application for Delta R.V. and Boat Storage site modifications

### Recommended Action

Review applicants' submittal to the Contra Costa County Department of Conservation and Development and comment as necessary.

### Executive Summary

Delta R.V. and Boat Storage (S/W corner of Hwy 4 and Bixler Rd.) is seeking a Land Use Permit from Contra Costa County to legalize the property's use subsequent to the Boat Storage Overlay ordinance that went into effect in 2009. The ordinance created a new overlay for those areas zoned as General Agricultural (A-2) and Heavy Agricultural (A-3) to allow the establishment of boat and limited recreational vehicle storage areas beyond the prior one mile limitation through the issuance of a land use permit. The ordinance also provides for the storage of recreational vehicles within the boat storage facility, so long as the number of recreational vehicles stored does not exceed fifteen (15) percent of the total number of spaces.

Due to the revisions in the law, the property owners are seeking a Land Use Permit that formalizes the existing use (boat storage) with surrounding land uses (agricultural).

This application only includes the storage portion of the property and does not include other uses (such as commercial boat maintenance facilities/retail operations) at this time.

The County Department of Conservation and Development is seeking public input and comments from residents and the Board regarding this Land Use Permit Application.

### 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

Contra Costa County Department of Conservation and Development Land Use Permit Application: Delta R.V and Boat Storage

**AGENDA ITEM: G-2**



CONTRA COSTA COUNTY  
DEPARTMENT OF CONSERVATION AND DEVELOPMENT  
COMMUNITY DEVELOPMENT DIVISION  
651 Pine Street, 4<sup>th</sup> Floor, North Wing  
Martinez, CA 94553-0095  
Phone: 925-335-1210  
Fax: 925-335-1222



10 @ 7/23/10

AGENCY COMMENT REQUEST

Date July 23, 2010

We request your comments regarding the attached application currently under review.

- DISTRIBUTION**
- Building Inspection  Grading Inspection
  - HSD, Environmental Health, Concord
  - HSD, Hazardous Materials
  - PW - Flood Control (Full Size)
  - PW - Engineering Svcs (Full Size)
  - Date Forwarded \_\_\_\_\_
  - PW Traffic (Reduced)
  - PW Special Districts (Reduced)
  - PW-APC Floodplain Tech (2<sup>nd</sup> Floor)
  - Advance Planning
  - Redevelopment Agency/Housing
  - Historical Resources Information System
  - CA Native American Heritage Comm.
  - CA Fish & Game, Region # \_\_\_\_\_
  - U.S. Fish & Wildlife Service
  - Fire District Dist Contra Costa and Consolidated
  - Sanitary District \_\_\_\_\_
  - Water District \_\_\_\_\_
  - City of \_\_\_\_\_
  - School District \_\_\_\_\_
  - East Bay Regional Park District
  - MAC Byron, and Discovery Bay CSD
  - DOIT - Deputy Director, Communications
  - CDD-GIS
  - LAFCO
  - East CCC Habitat Conservancy (HCP/NCCP)
  - County Geologist
  - Airport Land Use Commission Staff (ALUC)
- Community Organizations:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Please submit your comments as follows:

Project Planner Christine Louie

Phone # 335-1237

E-mail christine.louie@dcd.cccounty.us

County File # LP10-2023

Prior to August 20, 2010

- \*\*\*\*\*
- We have found the following special programs apply to this application:
- Redevelopment Area
  - Active Fault Zone
  - Flood Hazard Area, Panel # \_\_\_\_\_
  - 60 dBA Noise Control
  - CA EPA Hazardous Waste Site

Mineral Rights Holder:

\_\_\_\_\_

\_\_\_\_\_

\*\*\*\*\*

AGENCY: Please indicate the code section of recommendations required by law or ordinance. Send copies of your response to the Applicant & Owner.

Comments:  None  Below  Attached

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Print Name \_\_\_\_\_

Signature \_\_\_\_\_

Agency phone # \_\_\_\_\_



CONTRA COSTA COUNTY  
DEPARTMENT OF CONSERVATION &  
COMMUNITY DEVELOPMENT I

*C. Louise*

LAND USE PERMIT APPLICATION

TO BE FILLED OUT BY APPLICANT OR OWNER

<b>OWNER</b>	<b>APPLICANT</b>
Name <i>KARL &amp; KAREN KOSTER</i>	Name <i>SCOTT PELLATON</i>
Address <i>11330 ENTRADA PL</i>	Address <i>3801 BIXLER RD</i>
City, State <i>LOS ALTOS, CA 94024</i>	City, State <i>BRENTWOOD, CA 94513</i>
Phone	Phone <i>209 815 2013</i>

By signing below, owner agrees to pay all costs, including any accrued interest, if the applicant does not pay costs.  
 Check here if billings are to be sent to applicant rather than owner.

Owner's signature *[Signature]* Applicant's signature *[Signature]*

<b>CONTACT PERSON (optional)</b>	<b>PROJECT DATA</b>
Name <i>TIM PELLATON</i>	Total Parcel Size:
Address <i>3810 BIXLER RD</i>	Proposed Number of Units:
City, State <i>BYRON, CA 94514</i>	Proposed Square Footage:
Phone <i>925 634 8551</i>	Estimated Project Value:

DESCRIPTION OF REQUEST (attach supplemental statement if necessary):

*FILING USE PERMIT FOR EXISTING STORAGE BUSINESS AS PER NEW BORT STORAGE COMBINING DISTRICT ORDINANCE*

OUTSIDE USE ONLY

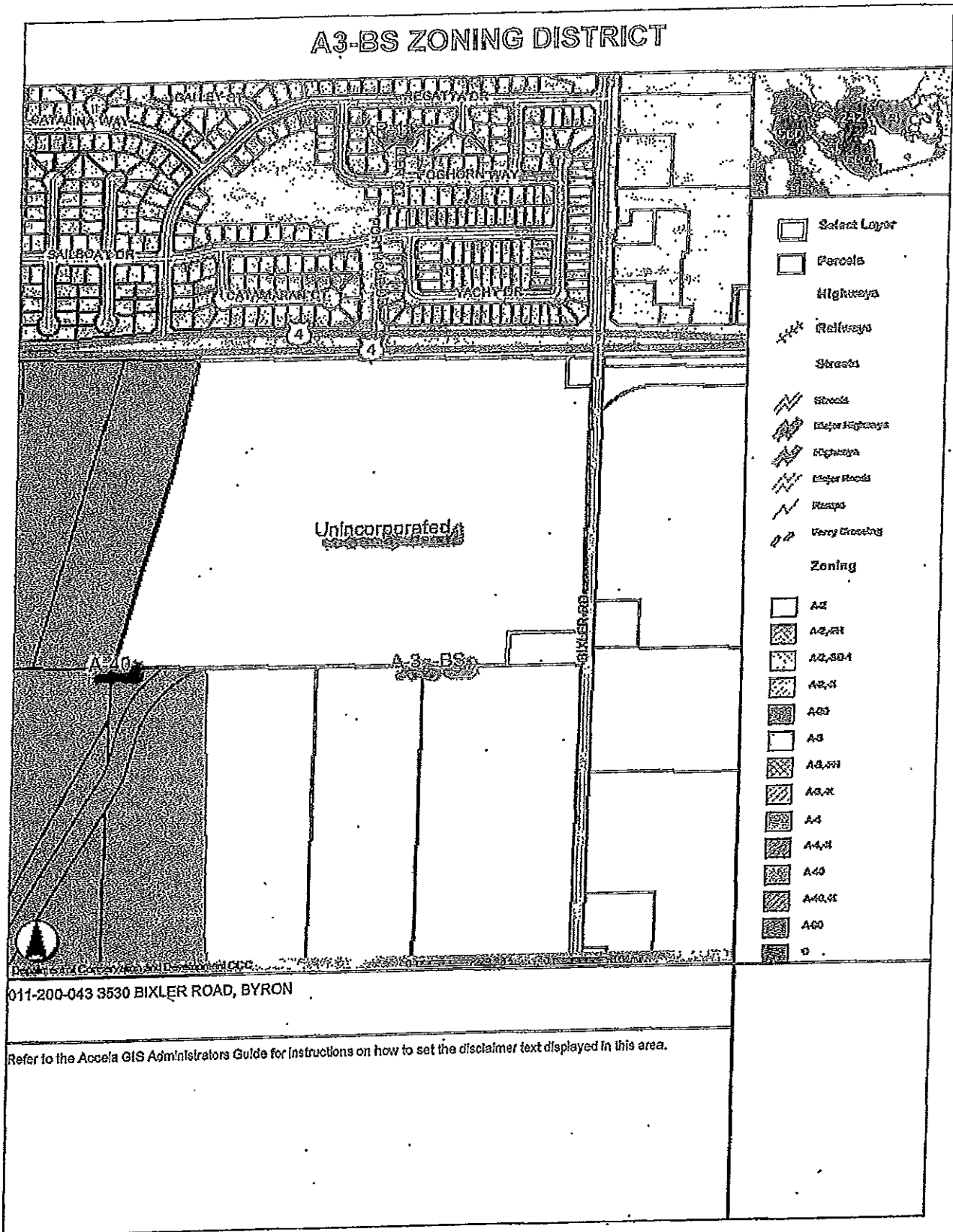
Application description: *Applicant request approval to legalize an RV and Boat Storage Business in Byron.*

Property description: *2 parcels 011-200-009 is 15.682 Square Ft and 011-200-043 is 53.64 acres. Roughly 54 acres bordering Hwy 4 and Bixler Road - for Sec 34 TRD R 35*

Ordinance Ref.:	TYPE OF FEE	FEE	S-CODE	Assessor's No.:
Area: <i>Byron / Disco Bay</i>	*Base Fee/Deposit	\$ <i>2100.<sup>00</sup></i>	S-	011-200-009 <i>504</i>
<i>East Contra Costa Fire District County Fire</i>	Late Filing Penalty (+50% of above if applicable)	\$	S-066	Site Address: <i>3810 Bixler Rd.</i>
Sphere of Influence:	1/2% est. value over \$100,000	\$	S-029	Zoning District: <i>A3-B5</i>
Flood Zone: <i>A</i>	#Units: x \$195.00	\$	S-014	Census Tract: <i>3040</i>
Panel Number:	Sq. Ft. x \$0.20	\$	S-052	Atlas Page:
x-ref Files:	Notification Fee	\$15.00 / \$30.00	S-048	General Plan: <i>AL</i>
	Fish & Game Posting (if not CEQA exempt)	\$75.00	S-048	LP/DP Combination: YES / NO
	Env. Health Dept.	\$47.00	5884	Supervisory District: <i>3</i>
	Other:	\$		Received by: <i>Debra Loughlin</i>
Concurrent Files:	<b>TOTAL</b>	\$ <i>2,852.<sup>00</sup></i>		Date Filed: <i>3-2-10</i>
	Receipt #			File Number: <i>LP10-02023</i>

\*Additional fees based on time and materials will be charged if staff costs exceed base fee.

INSTRUCTIONS ON REVERSE SIDE

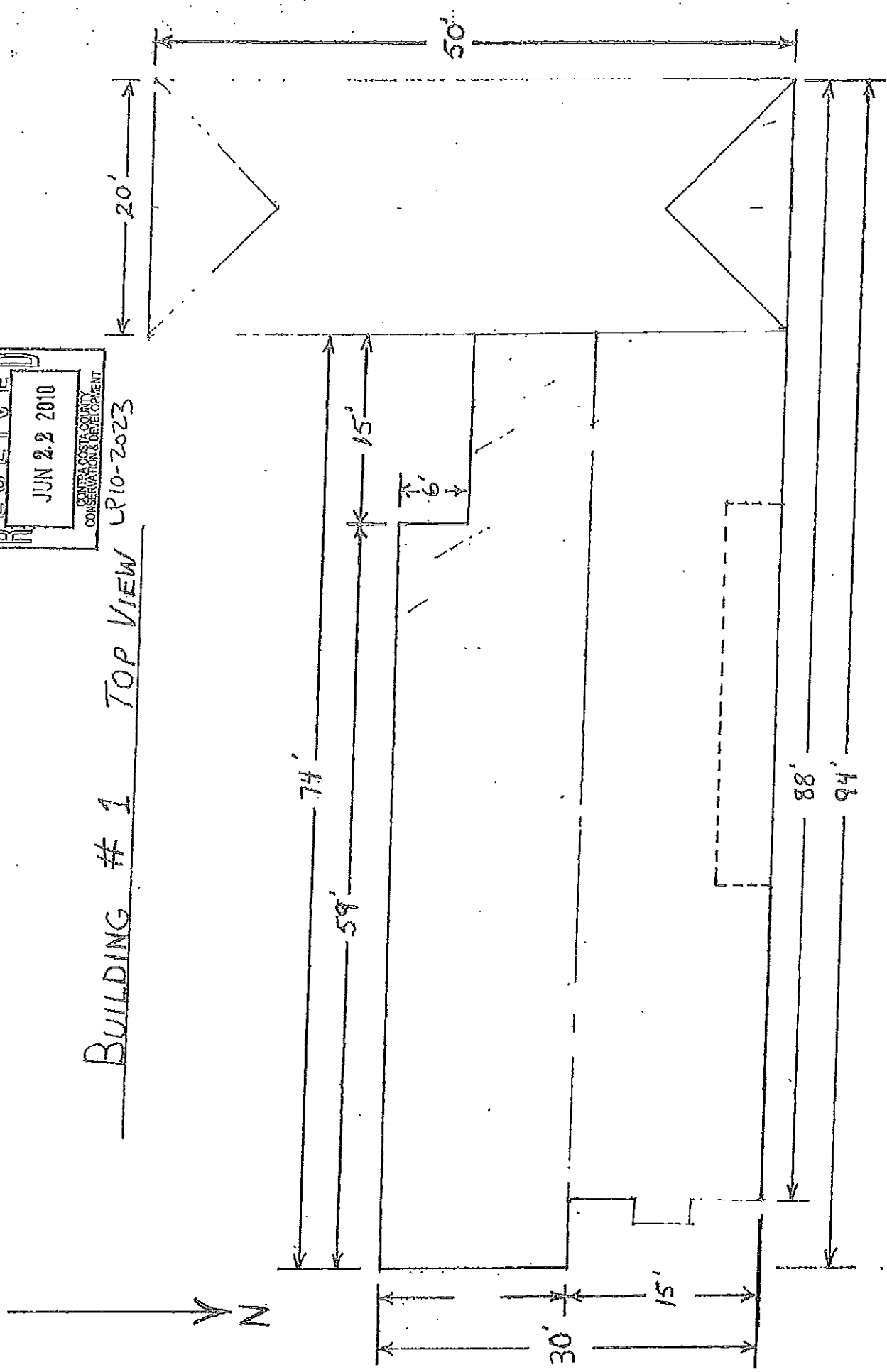






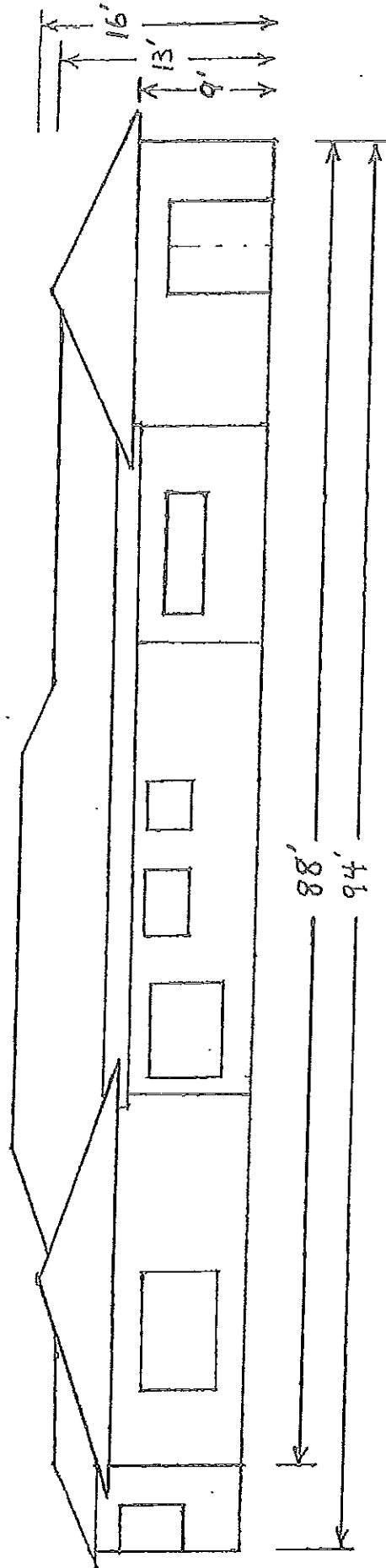
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JUN 22 2010  
CENTRAL COSTA COUNTY  
CONSERVATION & DEVELOPMENT

BUILDING # 1 TOP VIEW  
LR10-2023



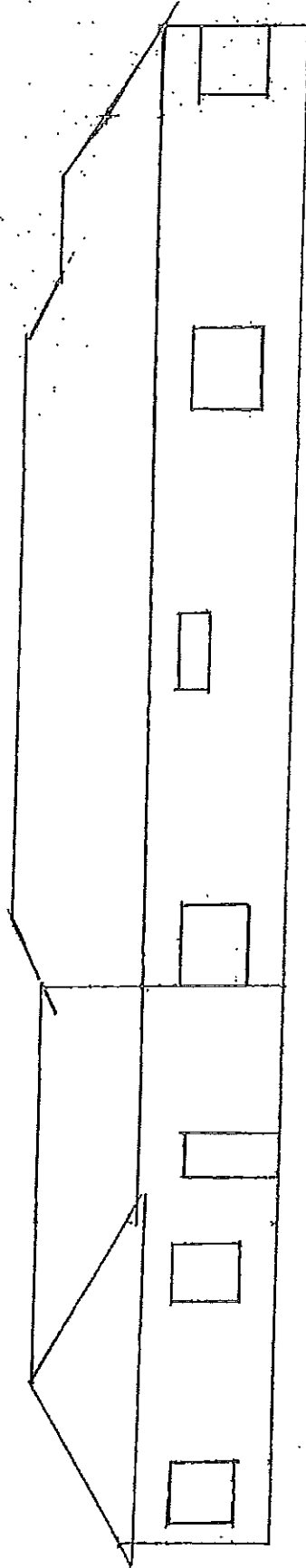
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--- BUILDING # 1 NORTH SIDE ---



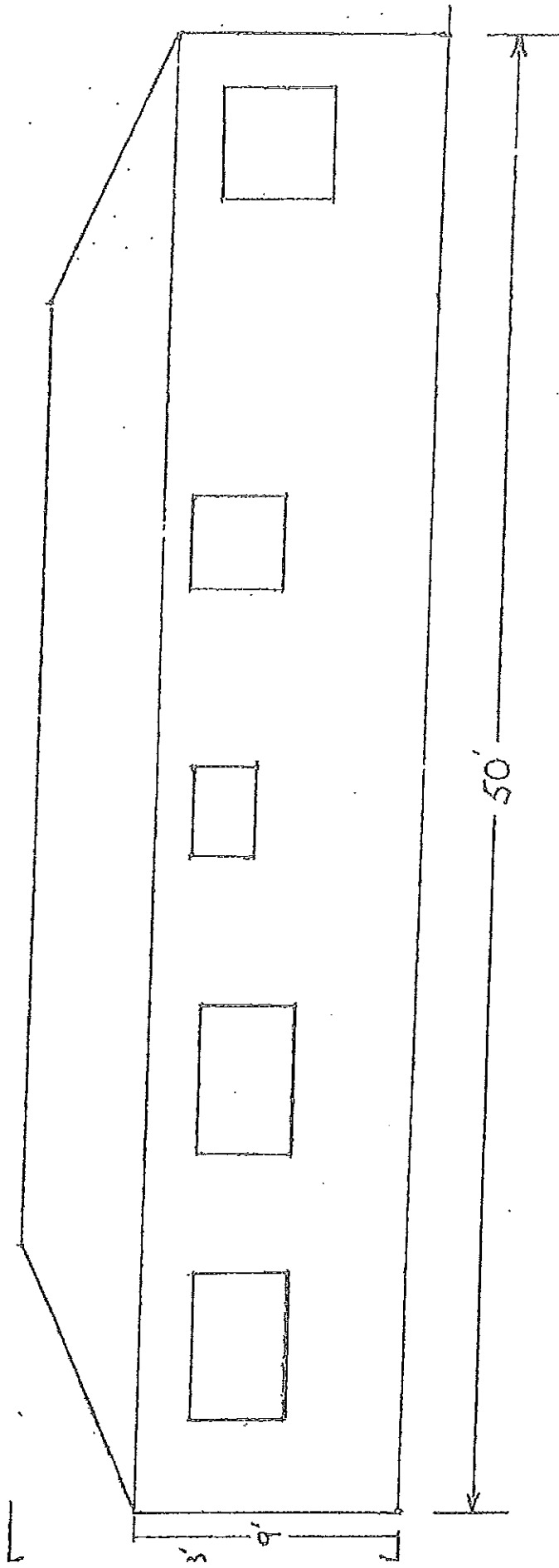
SCALE 1" TO 10'

BUILDING # 1 SOUTH FACE



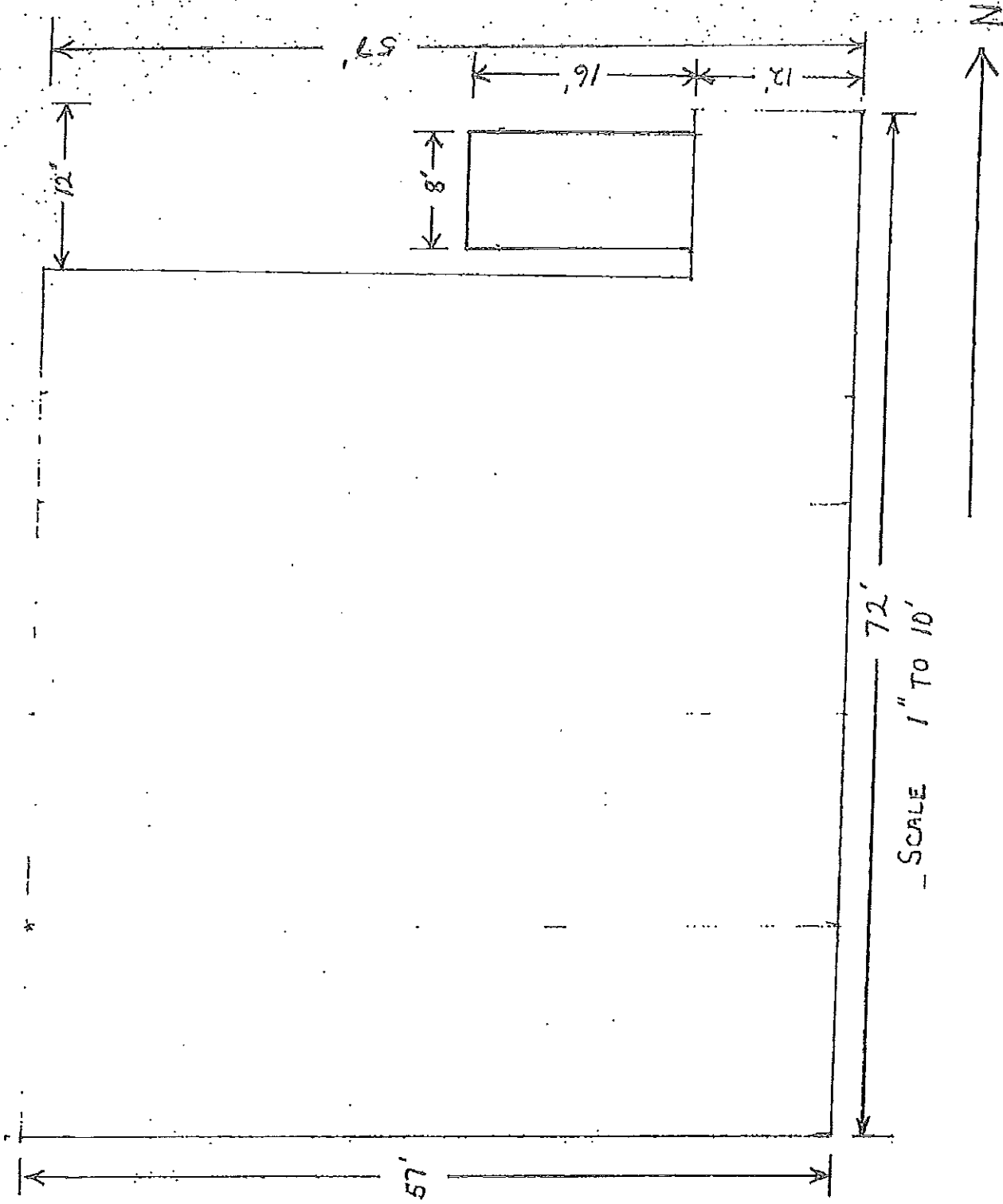


BUILDING # 1 WEST FACE

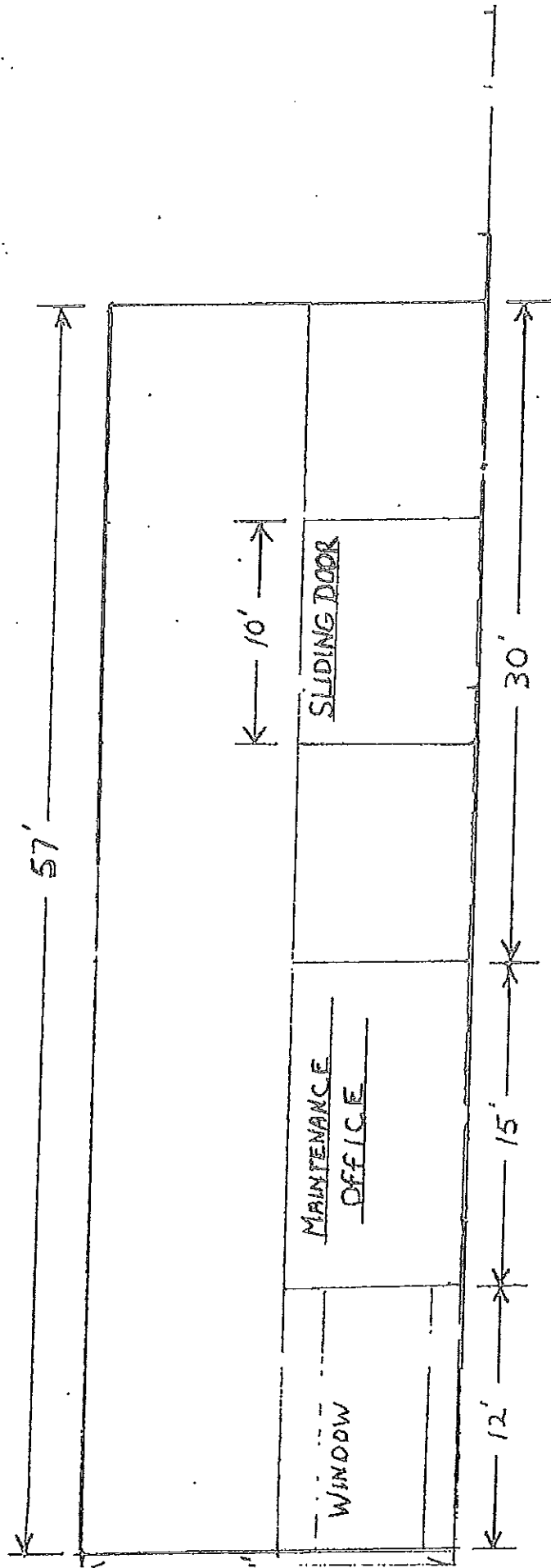


SCALE 2" TO 10'

BUILDING # 2: TOP VIEW

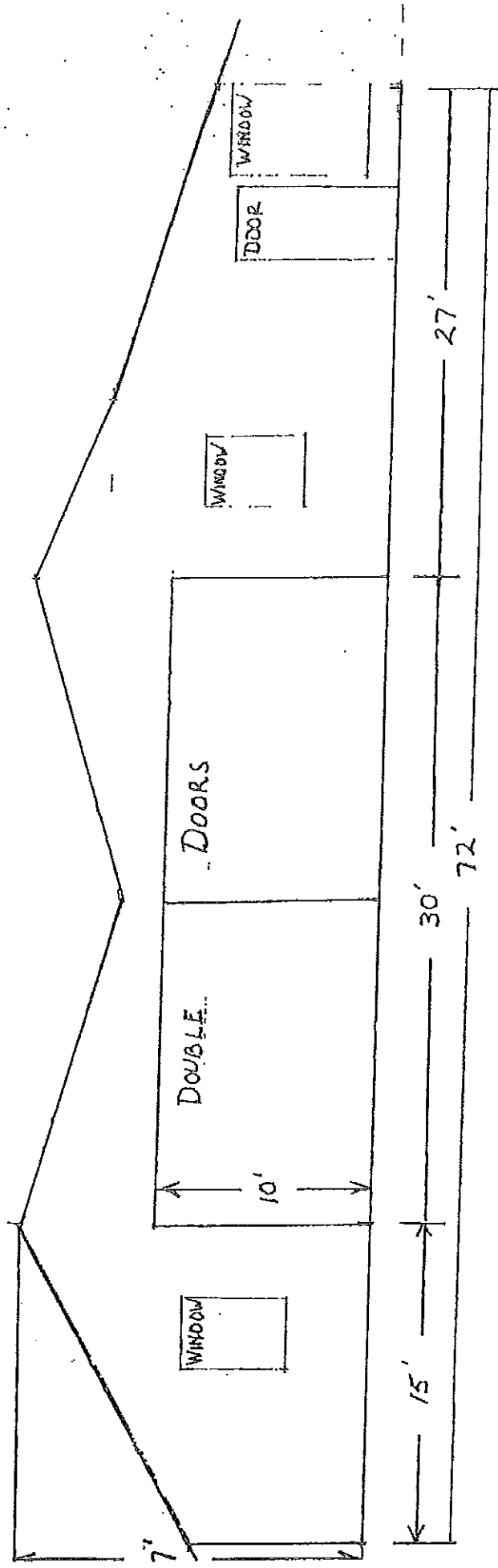


BUILDING # 2 NORTH FACE



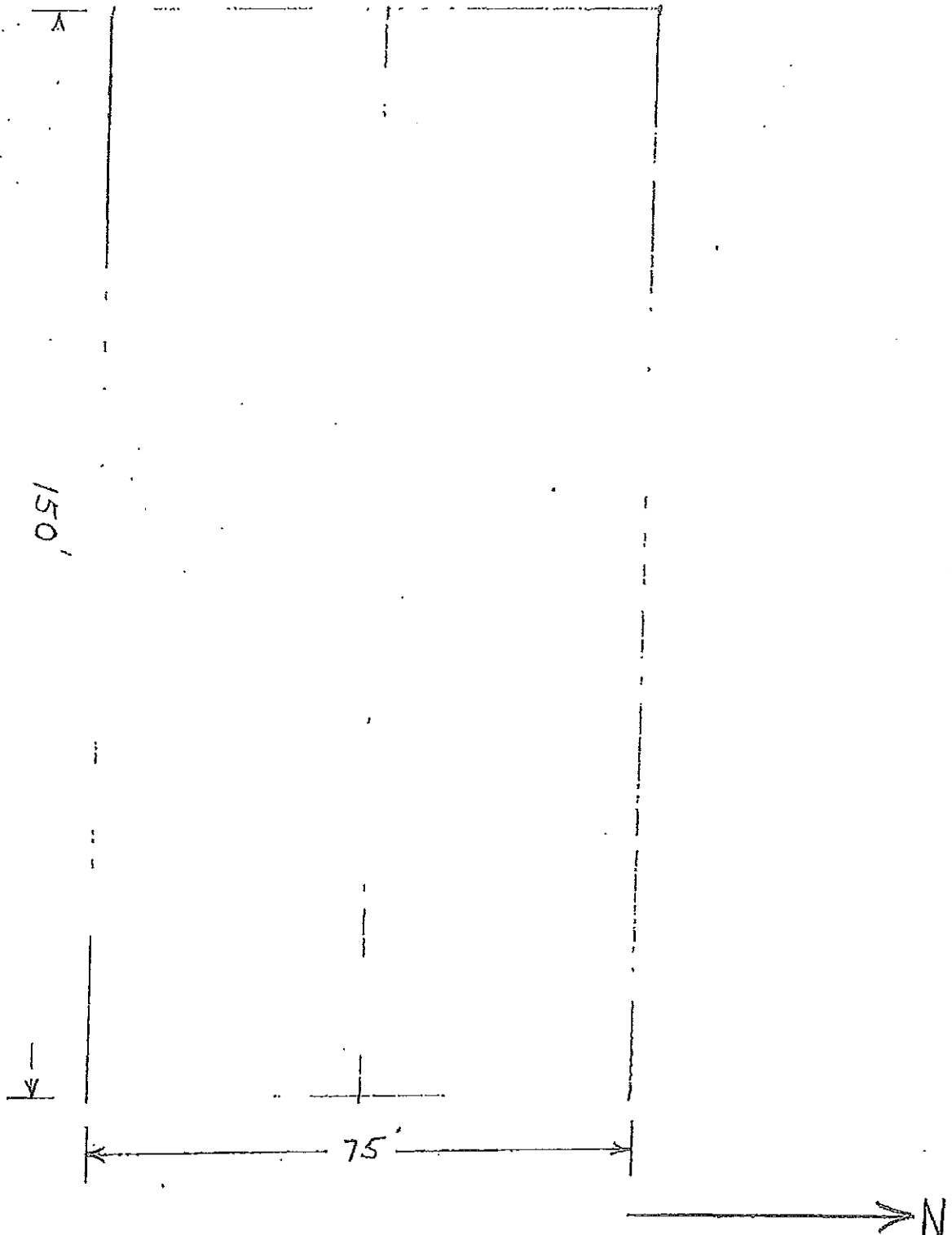
SCALE 1/8" TO 10'

BUILDING # 2 EAST FACE



SCALE 1/2" TO 10'

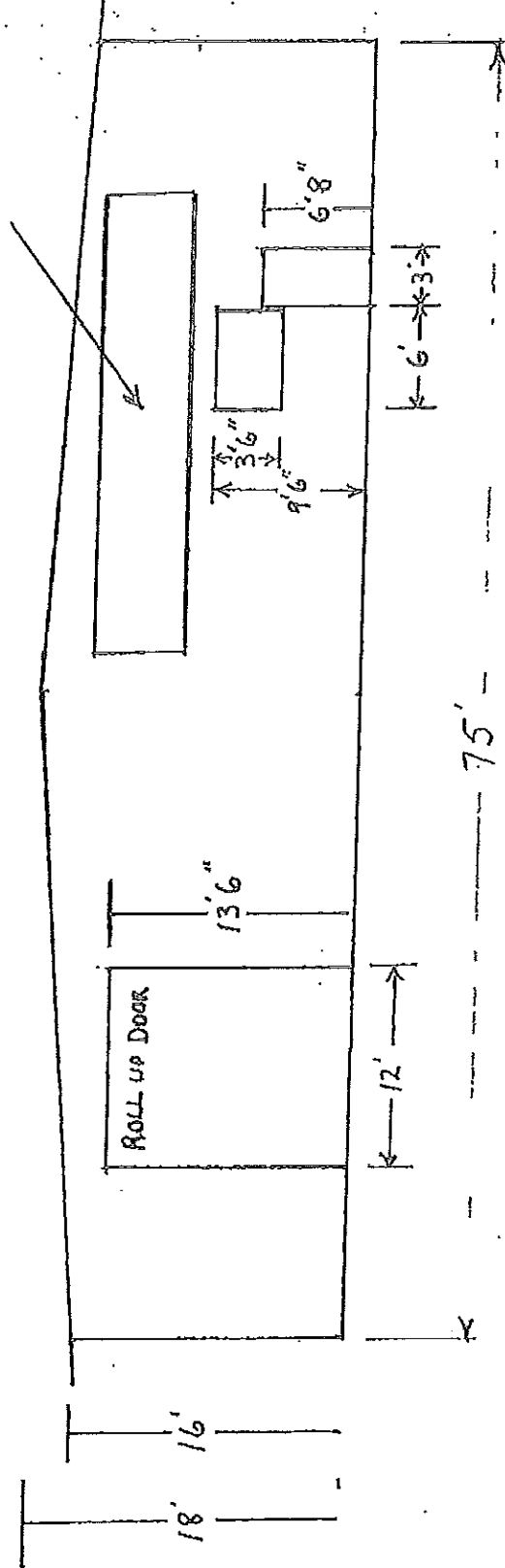
# BUILDING # 3 TOP VIEW



SCALE  $\frac{1}{2}$ " TO 10'

BUILDING #3 WEST SIDE

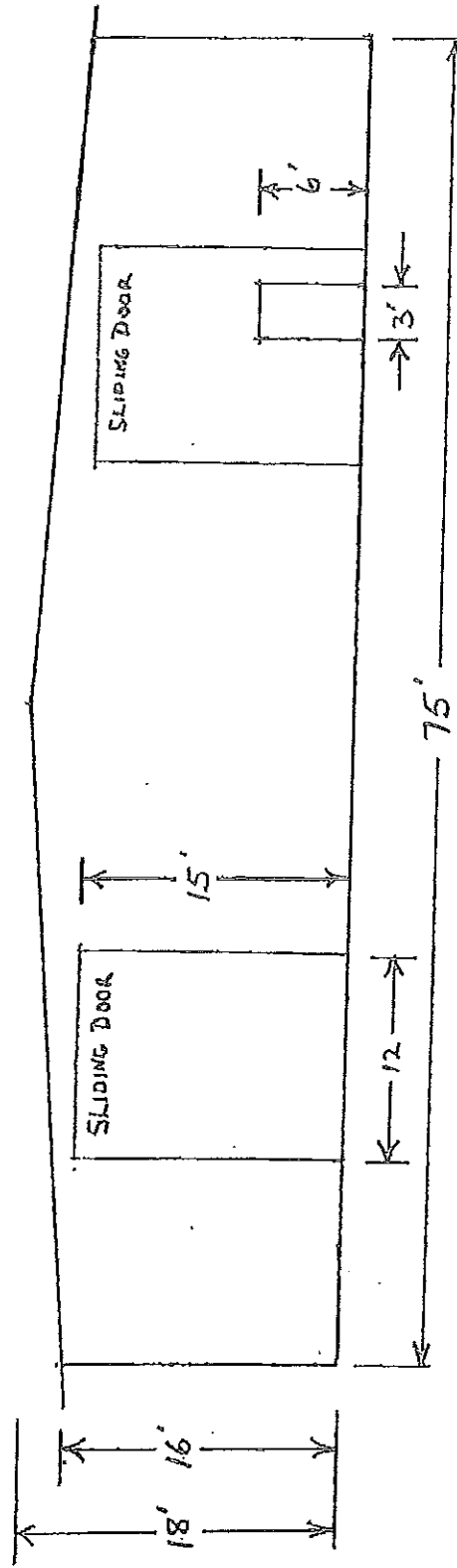
The Boat Dock Sign



SCALE 1" TO 10'

N

BUILDING # 3 EAST SIDE



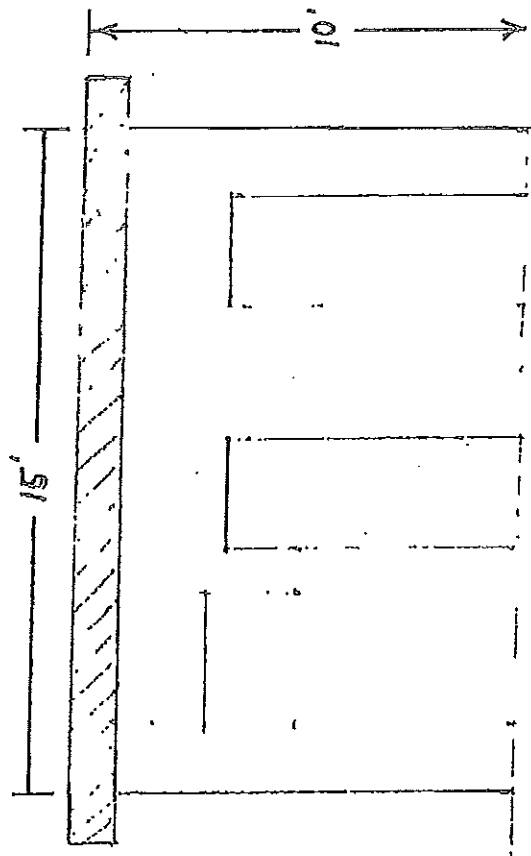
SCALE 1" TO 10'



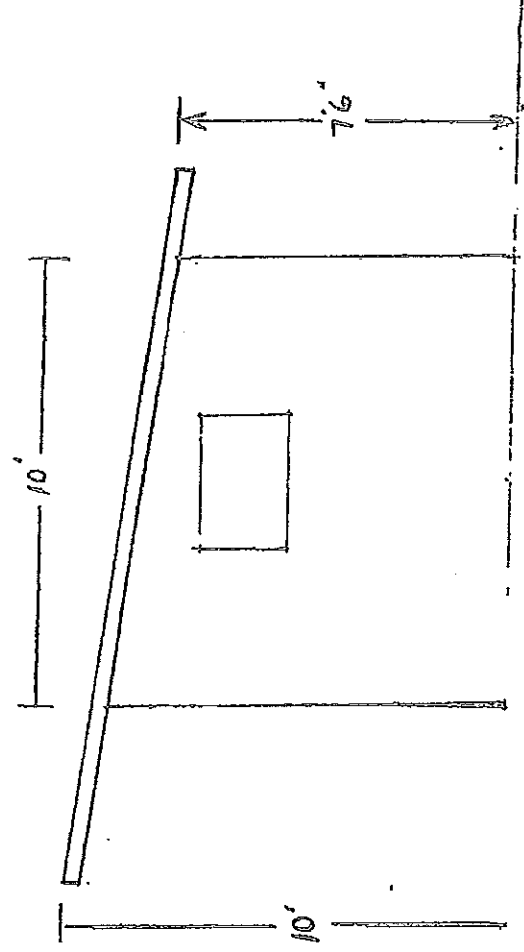
BUILDING # 4

SCALE 1/4" TO 1'

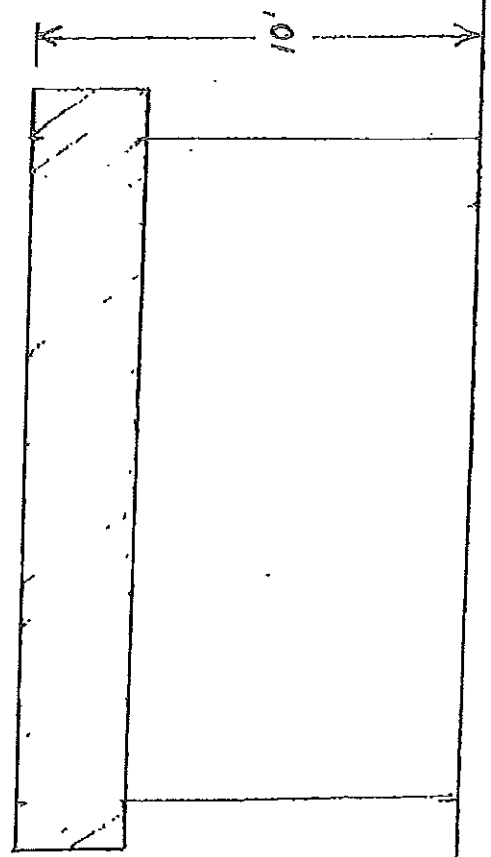
EAST FACE



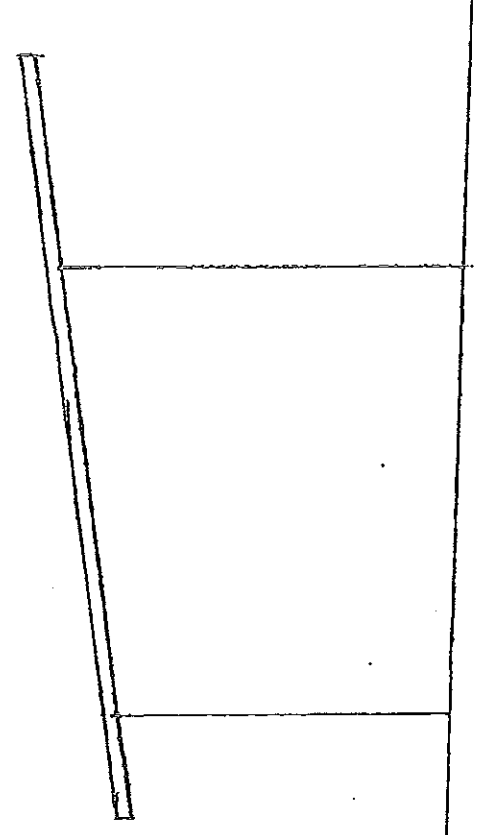
NORTH FACE



WEST FACE

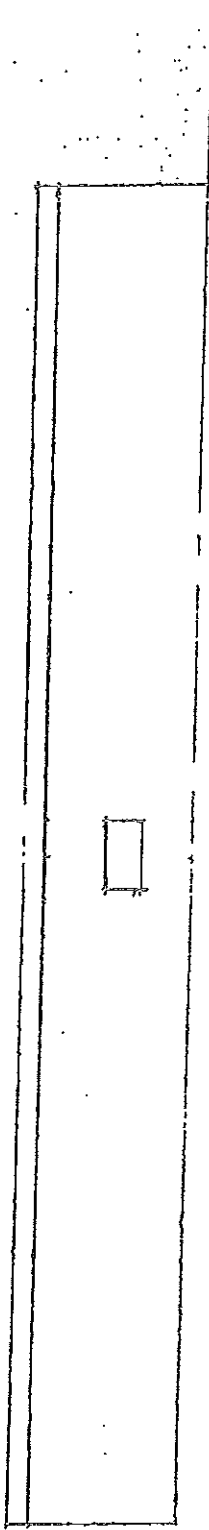


SOUTH FACE



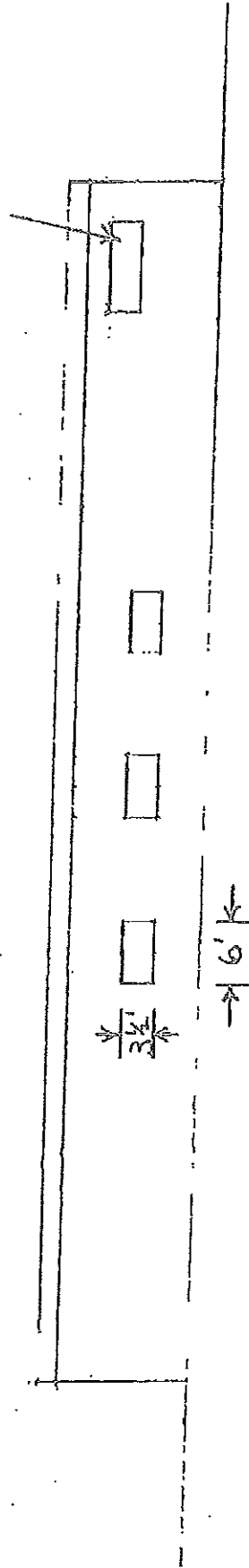


BUILDING #3 SOUTH SIDE



BUILDING #3 NORTH SIDE

Delta Storage Sign

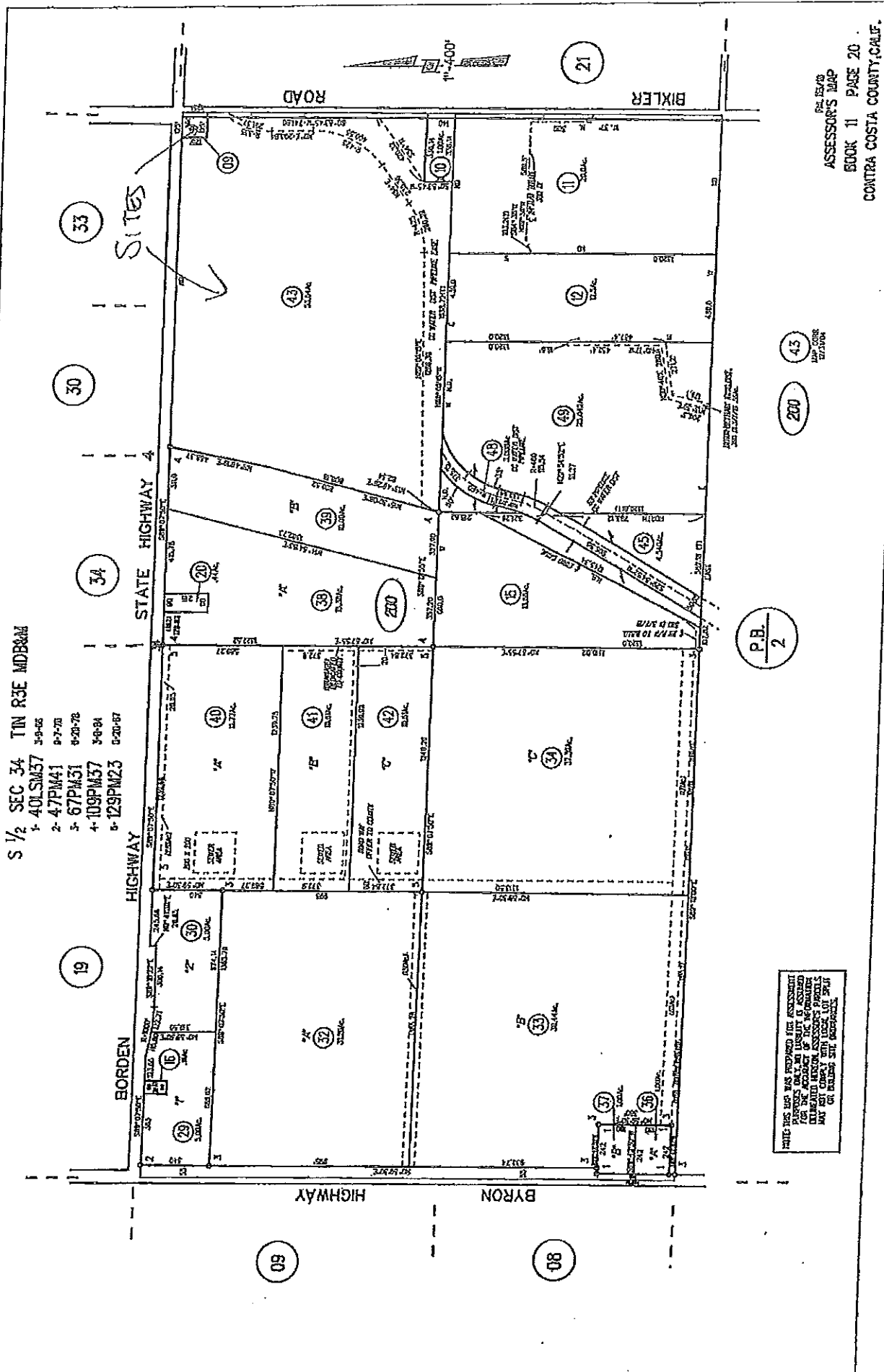


SCALE  $\frac{1}{4}"$  TO 10'

WINDOWS ON BOTH SIDES OF BUILDING #3 ARE 6' X 3' 6"

S 1/2 SEC 34 T1N R3E MDB&M  
 1- 40LSM57 3-9-85  
 2- 47PM41 9-7-70  
 3- 67PM31 8-20-78  
 4- 109PM37 3-8-84  
 5- 129PM23 5-20-87

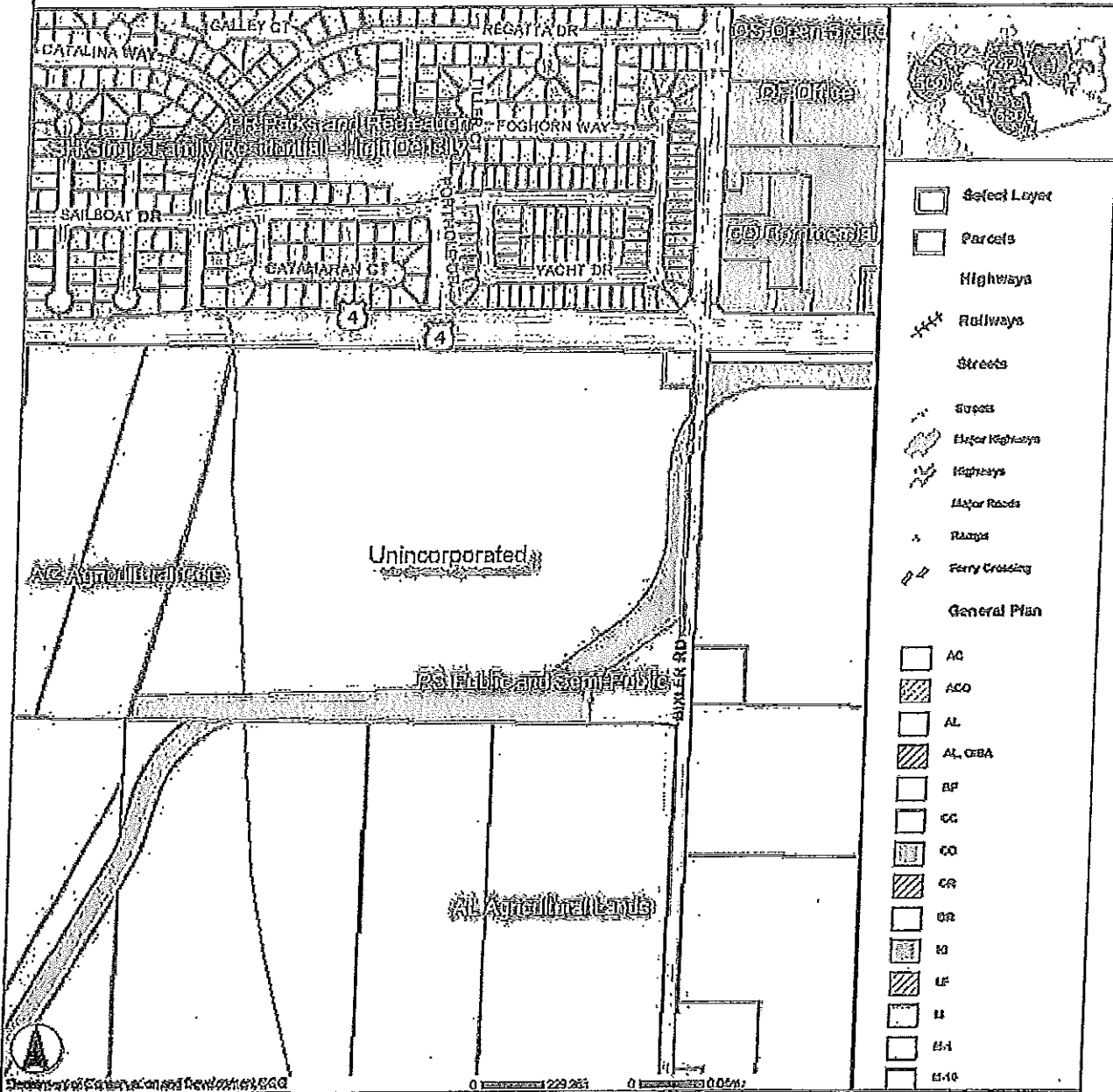
SITES



FIELD THIS MAP WAS PREPARED FOR AN ASSUMED PURPOSE AND NO LIABILITY IS ASSUMED FOR ANY ERRORS OR OMISSIONS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY ASSURANCES PRIOR TO ANY COPY OR USE OF THIS MAP OR ANY PART THEREOF.

P.B.  
2

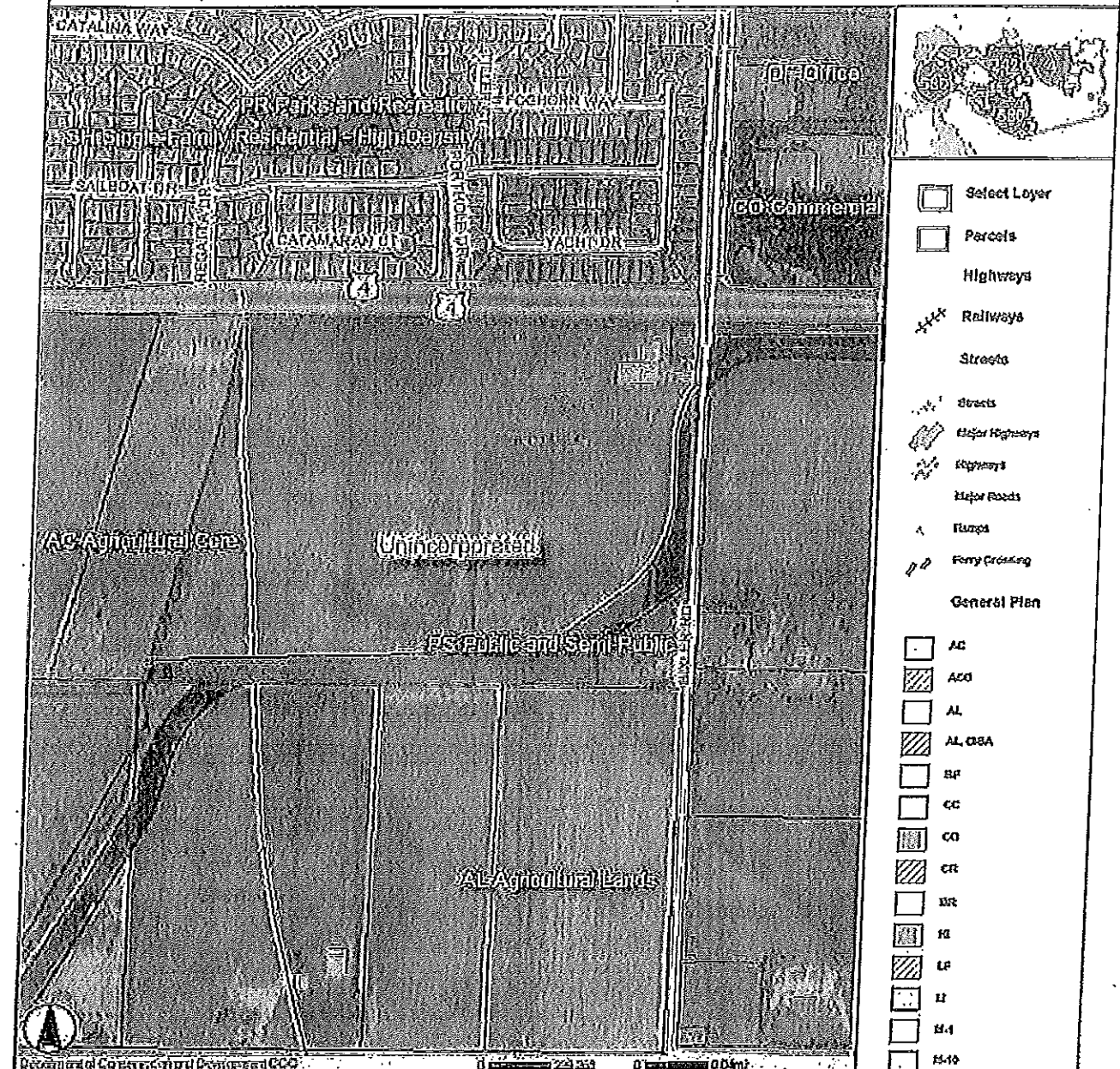
# AL-AGRICULTURAL LANDS



011-200-043 3630 BIXLER ROAD, BYRON

Refer to the Accela GIS Administrators Guide for instructions on how to set the disclaimer text displayed in this area.

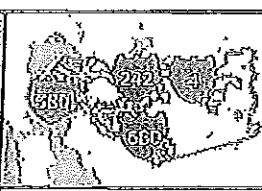
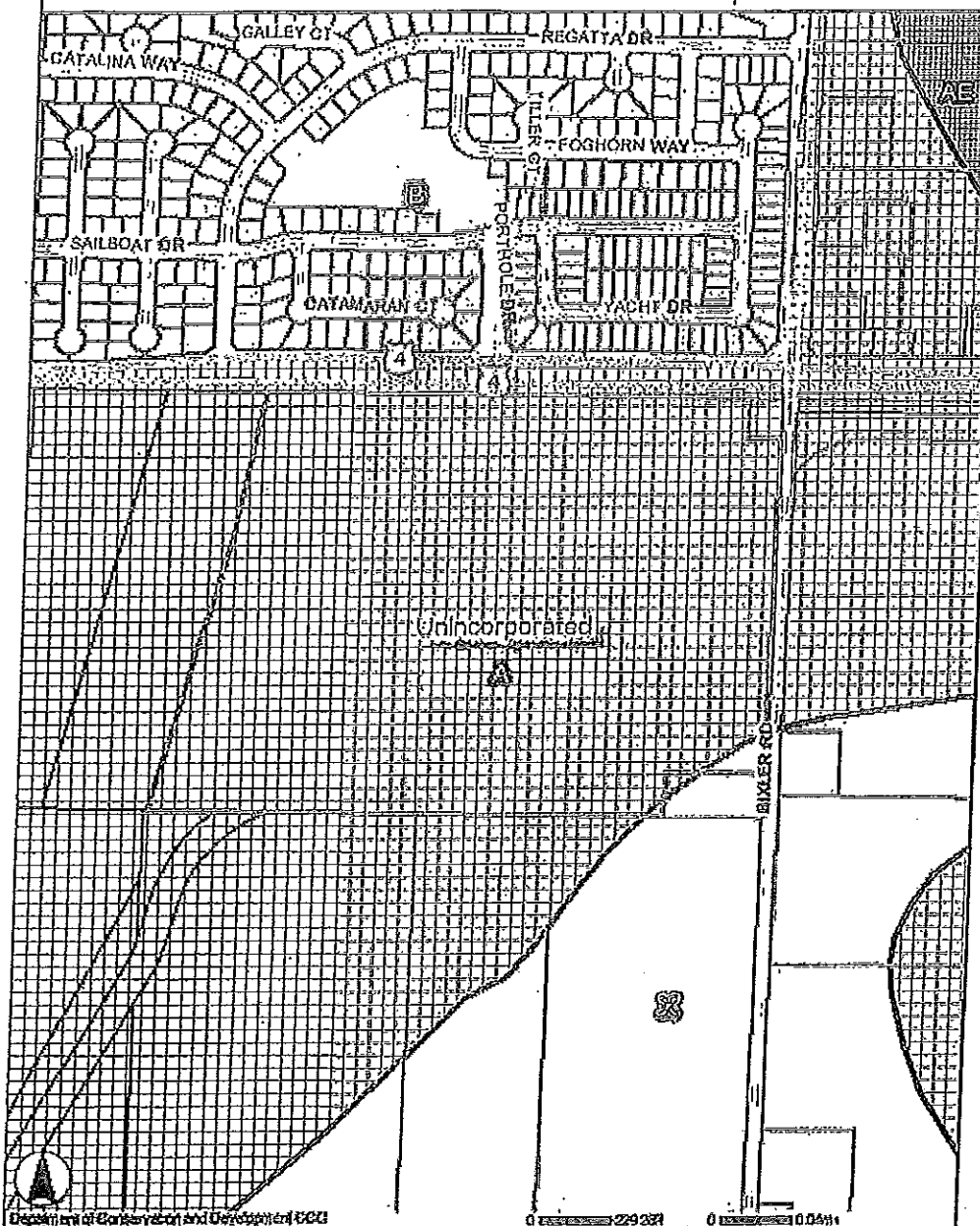
# ORTHO VIEW



11-200-043 3530 BIXLER ROAD, BYRON

Refer to the Accela GIS Administrators Guide for instructions on how to set the disclaimer text displayed in this area.

# FLOOD ZONE A



- Select Layer
- Parcels
- Highways
- Railways
- Streets
- Streets
- Major Highways
- Highways
- Major Roads
- Ramps
- Ferry Crossing
- FEMA Flood Zones**
- Flood Zone A
- Flood Zone AE
- Flood Zone AH
- Flood Zone AO
- X
- Flood Zone B
- Flood Zone VE
- X
- City Limits**
- Antech
- Greenwood
- Clayton

Department of Conservation and Development DCD

0 29.28 0.05 miles

011-200-043 3530 BIXLER ROAD, BYRON

Refer to the Accela GIS Administrators Guide for instructions on how to set the disclaimer text displayed in this area.



**COPY**

## TOWN OF DISCOVERY BAY CSD

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

Telephone: (925) 634-1131 Fax: (925) 513-2705

**MINUTES OF THE REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
TOWN OF DISCOVERY BAY CSD**

August 4, 2010

1800 Willow Lake Road, Discovery Bay, California

REGULAR MEETING 7:00 P.M.

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

**Board Members**

President-Kevin Graves  
Vice President-Mark Simon  
Treasurer-Brian Dawson  
Director-David Piepho  
Director-Ray Tetreault

**A. ROLL CALL**

The meeting was called to order at 7:00p.m. President Graves led the Pledge of Allegiance. Roll Call reflected that all Directors were present.

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

No comments.

**C. AREA AGENCIES REPORTS / PRESENTATION**

1. **DEPUTY SHERIFF /MARINE PATROL REPORT** – Lieutenant Burton handed out the monthly incident report for July. He then went over the incidents with the Board and the Public. Lieutenant Burton stated that the incident of most interest to the public is the shooting on Worthing Court at an unsupervised teenage party. Alcohol was not involved in the incident. People from outside the community were denied entrance to the party and they shot in to the house. Two days prior to that incident, there was a similar incident in Brentwood. There are two (2) suspects in custody for that shooting, however, they are not yet sure if there is a link to the incident that occurred in Discovery Bay

2. **CHP REPORT** – No report.

3. **FIRE DISTRICT REPORT** – Battalion Chief Burris provided copies of the July Incident Summary report for the ECCFPD. He stated that Station No. 58 responded to twenty-three (23) calls, however, that was for half of the month as that station was closed on Friday, July 16<sup>th</sup>. Station No. 59 responded to sixty (60) calls for the full month, thirty-four (34) of which were Medical Assist calls. There was a fatal accident on Byron Highway.

4. **CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION AND DEVELOPMENT REPORT** – No report

5. **SUPERVISOR MARY PIEPHO, DISTRICT III REPORT** – Karyn Cornell from Supervisor Piepho's office reported that Board of Supervisors approved the Keller Canyon allocation fund for 2010/2011 and the Town of Discovery Bay CSD, for their advisory functions, received \$2,000.00. Effective August 6<sup>th</sup>, the East Contra Costa Building Inspection Office will be closed on Fridays due to budget issues and a downturn in permit requests. On June 23<sup>rd</sup> the Willow Lake Sidewalk Gap Closure Project received funding from the Metropolitan Transportation Commission in the amount of \$50,000.00 which will finish the sidewalk with a tentative schedule beginning work in September and possible construction to be done during a school break. Supervisor Piepho had a meeting with CSD Board President Kevin Graves and ECCFPD Director Chris Finetti to talk about the fire district issues. Supervisor Piepho also attended the recent Discovery Bay Property

**G. NEW BUSINESS AND ACTION ITEMS**

1. **Discuss and Comment on Land Use Permit Application for Orwood Resort re: RV Park (Howard)** – General Manager Howard gave an overview of the Land Use Permit Application and stated that at this time the County is requesting comments from the Board. He also added that the applicant is present at the meeting and prepared to address the Board. President Graves invited applicant John Caprio to approach the podium for questions. President Graves then asked about the current set up and the proposed changes and asked how the resort handles their wastewater. Mr. Caprio explained that they have their own evaporation pond system and they do not discharge in to the Delta. He also stated that it is permitted through the State of California. Vice-President Simon stated that he thinks that Orwood is one of the better managed resort areas and he is confident that they will continue to do so. The Board agreed to support the project and President Graves directed staff to write a letter of support and send it to the County.

2. **Discuss and Comment on Land Use Permit Application for Delta R.V. and Boat Storage site modifications (Howard)** – General Manager Howard stated that this agenda item is also for a Land Use Permit for the R.V. and Boat Storage facility located on the south side of Highway 4, and west of Bixler Road. This is occurring because of the Boat Storage Overlay Ordinance that took effect in 2009. One resident commented and stated that she followed the Boat Storage Overlay Ordinance and throughout the process, it was done through a negative declaration and there was no real looking at mitigation. She stated that this property is next to Kellogg Creek which drains in to Discovery Bay. She also said that Kellogg Creek, according to the Habitat Conservation Plan, is an additional key restoration priority area. Her concern is the impact on Kellogg Creek. She then commented on the Cal-Trans improvements that are earmarked for the Highway 4 and Bixler Road intersection. Cal-Trans will be taking land from the Delta R.V. and Boat Storage facility to make those improvements and the site plan does not address that change. She thinks that there are some environmental issues by having R.V. Storage from engine and oil leakage. There are also some other Agencies that she thinks the information should have been sent to by the County; i.e.; Fish & Game and Reclamation District 800. She questioned the percentage of recreational vehicles allowed versus boats, ingress and egress on to Bixler Road, the height requirement of the fencing and the existence of a Business License. Applicant Scott Pellaton addressed the Board by stating that most of the items that the resident brought up have been addressed by the County. In regard to the ingress and egress, the entrance will be moved further down the road. The easement is widening from sixty feet (60') from forty feet (40') and will come in to their property an additional twelve feet (12'). The County has not addressed Kellogg Creek, but applicant Scott Pellaton said they as far from Kellogg Creek as possible and at some point that whole storage will move to the back part of the property. He would like nothing more than to be able to put up a ten foot (10') wall rather than an eight foot (8') wall. That is something the County will address. Director Piepho stated that he believes most of these issues were addressed at the East County Planning meeting and he thinks there will be plenty of time during the process to address every one of the issues. Applicant Scott Pellaton stated that as the County puts requirements on them, they will address them and that they are just as concerned as the County and the community to make the property fit in to the community. President Graves asked for recommendations from the Board. Director Piepho would like to see if the Board could direct staff to write a letter of support. The other Board Members agreed with the recommendation. President Graves confirmed the recommendation.

**H. COMMITTEE/LIAISON REPORTS**

1. **Trans-Plan Report** – No report
2. **County Planning Commission Report** – No report
3. **Code Enforcement Report** – Director Piepho reported that the Code Enforcement meeting on Thursday was cancelled. He stated that the two (2) hot issues; the sign at the corner of Discovery Bay Boulevard and Clipper Drive advertising weed removal has been removed and the Straw Hat Pizza signs have also been removed. President Graves asked that Code Enforcement address the trailers parked in front of homes.
4. **Special Districts Report\*\*** - No report

*\*\*These meetings are held Quarterly*



## TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

**Board Members**

President-Kevin Graves  
Vice President-Mark Simon  
Treasurer-Brian Dawson  
Director-David Piepho  
Director-Ray Tetreault

August 6, 2010

Lashun Cross  
Contra Costa County Department of Conservation and Development  
Community Development Division  
651 Pine Street, 4<sup>th</sup> Floor, North Wing  
Martinez, CA 94553-0095

**RE: County File Number LP07-2025 (John Caprio – Orwood Resort)**

Dear Ms. Cross,

The Town of Discovery Bay Community Services District Board of Directors heard testimony and took under consideration the above referenced matter at their regular meeting of August 4, 2010.

The Board took no action and there were no comments, however, the Board of Directors would like to show their support of this application.

Please let me know if you have any questions. Please feel free to contact me at 925.634.1131.

Sincerely,

Rick Howard  
General Manager, Town of Discovery Bay CSD

RH/ca





## TOWN OF DISCOVERY BAY CSD

1800 Willow Lake Road, Discovery Bay, CA 94505-9376  
Telephone: (925) 634-1131 Fax: (925) 513-2705

**Board Members**  
President-Kevin Graves  
Vice President-Mark Simon  
Treasurer-Brian Dawson  
Director-David Piepho  
Director-Ray Tetreault

August 6, 2010

Christine Louie  
Contra Costa County Department of Conservation and Development  
Community Development Division  
651 Pine Street, 4<sup>th</sup> Floor, North Wing  
Martinez, CA 94553-0095

**RE: County File Number LP10-2023 (Scott Pellaton - Delta RV and Boat Storage)**

Dear Ms. Louie,

The Town of Discovery Bay Community Services District Board of Directors heard testimony and took under consideration the above referenced matter at their regular meeting of August 4, 2010.

The Board took no action and there were no comments, however, the Board of Directors would like to show their support of this application.

Please let me know if you have any questions. Please feel free to contact me at 925.634.1131.

Sincerely,

Rick Howard  
General Manager, Town of Discovery Bay CSD

RH/ca



# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

September 15, 2010

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

### Agenda Title

Notice of Exemption for Ravenswood's Splash Pad and Pathway Solar Lights

### Recommended Action

Approve and authorize Staff to sign and record the Notice of Exemption(s) (CEQA) for the Ravenswood Park Splash Pad and Solar Light Projects.

### Executive Summary

As required by the California Environmental Quality Act (CEQA), any project performed by a governmental agency must be reviewed for compliance with the laws and regulations of the act. The agency must first determine if the projects requires an environmental review or if it is exempt from CEQA. If the agency finds the project exempt, they must approve and file a Notice of Exemption.

Upon review of the both the Splash Pad and the Solar Light projects for Ravenswood Park, Staff found that the improvements were exempt for Categorical reasons. Copies of the draft form of the Notice of Exemptions are attached for your review and possible approval.

### Fiscal Impact:

Amount Requested - None  
Sufficient Budgeted Funds Available?: N/A

### Previous Relevant Board Actions for This Item

### Attachments

Notice of Exemption – Ravenswood Park Splash Pad  
Notice of Exemption – Ravenswood Park Solar Lighting

AGENDA ITEM: D-7

Notice of Exemption

To: [ ] Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: (Public Agency)
Town of Discovery Bay CSD
1800 Willow Lake Rd., Discovery Bay, Ca
(Address)

[x] County Clerk
County of Contra Costa
555 Escobar Street
Martinez, CA 94553

Project Title: Ravenswood Park - Splash Pad

Project Location - Specific:

Ravenswood Park; Completely enclosed by the following streets: Bronte Drive (North), Colebridge Way (East), Cummings Lane (South), Cullen Drive (West)

Project Location - City: Discovery Bay Project Location - County: Contra Costa

Description of Project:

Installation of a zero-depth concrete splash pad. Includes concrete pad and pathways, minor grading, removal of turf, installation of plumbing, electrical, drainage and sewer connection.

Name of Public Agency Approving Project: Town of Discovery Bay CSD

Name of Person or Agency Carrying Out Project: Town of Discovery Bay CSD

Exempt Status: (check one)

- [ ] Ministerial (Sec. 21080(b)(1); 15268);
[ ] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[ ] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[x] Categorical Exemption. State type and section number: 15303 (e);
[ ] Statutory Exemptions. State code number:

Reasons why project is exempt:

The installation of a splash pad feature at the existing park consists of constructing one small, new accessory (appurtenant) structure (under 2500 square feet).

Lead Agency

Contact Person: Fairin Perez Area Code/Telephone/Extension: (925) 634.1733

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [ ] Yes [ ] No

Signature: Date: Title:

- [x] Signed by Lead Agency Date received for filing at OPR:
[ ] Signed by Applicant

# Notice of Exemption

Form D

To:  Office of Planning and Research  
PO Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

County Clerk  
County of Contra Costa  
555 Escobar Street  
Martinez, CA 94553

From: (Public Agency) \_\_\_\_\_  
Town of Discovery Bay CSD  
1800 Willow Lake Rd., Discovery Bay, Ca  
(Address)

Project Title: Ravenswood Park - Solar Lighting

### Project Location - Specific:

Ravenswood Park; Completely enclosed by the following streets: Bronte Drive (North), Colebridge Way (East), Cummings Lane (South), Cullen Drive (West)

Project Location - City: Discovery Bay Project Location - County: Contra Costa

### Description of Project:

Installation of 6 (six) solar light poles, fixtures and concrete footings along pedestrian pathways located within Ravenswood Park.

Name of Public Agency Approving Project: Town of Discovery Bay CSD

Name of Person or Agency Carrying Out Project: Town of Discovery Bay CSD

### Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15303 (e); 15301 (f)
- Statutory Exemptions. State code number: \_\_\_\_\_

### Reasons why project is exempt:

The installation of solar lighting at the existing park consists of constructing a limited number of small, new accessory (appurtenant) equipment. The addition of these topographical features are proposed to increase public safety by decreasing the rate of vandalism and trespassing of the park after public use hours.

### Lead Agency

Contact Person: Fairin Perez Area Code/Telephone/Extension: (925) 634.1733

### If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

- Signed by Lead Agency
  - Signed by Applicant
- Date received for filing at OPR: \_\_\_\_\_

January 2004



# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

September 15, 2010

Prepared By: Fairin Perez, Landscape Manager  
Submitted By: Rick Howard, General Manager *RH*

### Agenda Title

Consideration of contract approval for design services pertaining to the playground replacement project at Cornell Park.

### Recommended Action

Approve and authorize the General Manager to contract for design services between the Town of Discovery Bay CSD and Gates & Associates in the amount of \$13,365, plus reimbursable, for the Playground replacement project at Cornell Park.

### Executive Summary

During this years budget discussions, replacement of the Cornell Park play structures on the south side of the park was approved. There are two composite structures and one free standing swing set that has exceeded their life expectancy. As the first step in this Capital Improvement Project, Staff has requested and received proposals for design services for the replacement of a new playground structure.

Based on previous relations, work experience, and cost advantages, staff recommends contracting the design service with Gates & Associates (Gates) for \$13,365 + reimbursables. Copies of the proposals submitted by Gates and Bruce Jett & Associates are attached.

### Fiscal Impact:

Amount Requested - \$13,365  
Sufficient Budgeted Funds Available?: YES  
Zone # 8 Category: Capital Fund # 4789

### Previous Relevant Board Actions for This Item

Approval and Adoption of the Proposed Final 2010-2011 Operating and Capital Improvement Budgets for the Discovery Bay Lighting & Landscaping Zone #8 & Zone #9 – June 16, 2010

### Attachments

Gates & Associates Proposal – Cornell Park  
Bruce Jett & Associates Proposal – Cornell Park

AGENDA ITEM: D-8



GATES + ASSOCIATES

2671 CROW CANYON RD

SAN RAMON, CA 94583

T: 925.736.8176

F: 925-838-8901

WWW.GATES.COM

LANDSCAPE ARCHITECTURE

September 9, 2010

Fairin Perez  
Town of Discovery Bay  
1800 Willow Lake Road  
Discovery Bay, CA 94514

RE: Cornell Park

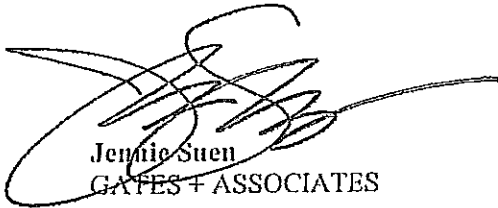
Dear Ms. Perez,

Thank you for the opportunity to submit the following proposals for landscape architectural services for Cornell Park located in Discovery Bay, California. Scope of work for Cornell Park to include design services for a new play area and play structure to replace the existing play area and structure in park.

Of note, we have not included Civil Engineer work to deal with drainage of new play area. This will be dependent upon determination of existing site utilities and existing grading and drainage of site.

Please review proposals and call me with any questions you have. If the attached workscope is acceptable, please sign a copy of this letter and return to us for our files.

Sincerely,



Jennie Suen  
GATES + ASSOCIATES

URBAN DESIGN

## SCOPE OF SERVICES

This agreement is made as of *September 9, 2010* by and between *Gates + Associates., (GATES)* [California License No. 1550], a California corporation, and *Town of Discovery Bay ("Client")*.

As provided in this Agreement, GATES will provide landscape architectural services for the following project (the "Project"):

*Cornell Park – Discovery Bay– Provide complete bid plans to provide demolition work and layout plans for new play area and play structure*

### I. Services

DGA will perform the following services:

#### A. Cornell Park – Preliminary Survey Work

1. Survey existing play area and immediate vicinity. Survey to include grades, site layout, site amenities and existing utilities for use as a CAD base for construction documents. Coordination with survey consultant.

#### B. Cornell Park - Construction Documents

1. Prepare construction plans suitable for town administered bid process including:
  - o Demolition Plan (Existing play area, turf, sidewalk, etc)
  - o Landscape fine grades and surface drainage (does not include streets, curb and gutter.
  - o Layout Plan and details for new play area and play structure with safety surfacing
  - o Irrigation Plan and details, assume irrigation will tie into existing irrigation system
  - o Does not include a Planting Plan, assume turf to be re-sodded to edge of new play area
4. Prepare Demolition, Site Furniture and Irrigation specifications and cost estimate suitable for Township administered bid process. Township to manage full specification with front end and back end specifications for bid process
5. Review by Town of Discovery Bay and revise plans per staff comments.

#### C. Cornell Park – Town Hall Approval

1. Attend one Town Hall Meeting to present design and Play Structure Elements
2. Revise plans per Town Hall Meeting Comments.

#### D. Cornell Park – Construction Administration

1. Review Site Furniture, Planting and Irrigation Submittals for conformance to specifications and plans

2. Provide Final Inspection and Punch List for conformance to specifications and plans

**E. Optional Services**

1. Grading and drainage of site play area (TBD) per Civil Engineer.
2. Assist Town to review bids.
3. Conduct one site visits during construction phase to review conformance of installation with plans.

**II. Additional Conditions**

- A. Client shall provide all existing information necessary for the completion basic services as described in this letter of agreement.
- B. Upon written request, and within a reasonable amount of time, Client shall execute and deliver, or cause to be executed and delivered, such additional instruments, documents, approvals, governmental fees, and charges which are necessary to perform the terms of the agreement.
- C. The work described in Item I shall be performed as one set of Construction Documents. Splitting the project into more than one phase of construction or more than one project may require an increase in the fee shown in Item IV.
- D. Opinions of Probable Construction Cost prepared by GATES are approximate only and do not take into account future market conditions or contractor's bidding methods. GATES has no control over costs of labor, materials or equipment and GATES estimates cannot be guaranteed.
- E. GATES is not responsible for means, methods, sequences, techniques and procedures of construction or for safety precautions associated with construction.
- F. GATES is not responsible for control or supervision of construction, errors and omissions of the construction contractor, schedule or timing of construction, or the contractor's conformance with contract documents.
- G. Regarding the storm drainage, GATES shall show surface finish grades, and area drains with rim elevations. All underground piping, invert elevations and connections to the storm sewer system are to be shown by the project Civil Engineer and are not a part of this contract.
- H. Regarding site lighting, GATES shall show light locations and assist with fixture selection. All electrical, structural and mechanical engineering shall be shown by other consultants. GATES will endeavor to coordinate its work with that of other consultants as part of this contract.
- I. Regarding site structures, GATES shall shown design characteristics and configuration of these features. All structural engineering, if required, shall be by other consultants and are not included in this contract.



### III. Compensation for Services

A. The fee for the services indicated in Item I of this proposal shall be:

Assumes simultaneous field work and development of plan.

A.	Cornell Park -- Preliminary Survey Work	<u>\$3,800.00</u>
B.	Cornell Park - Construction Documents	<u>\$7,350.00</u>
C.	Cornell Park -- Township Hall Meeting	<u>\$840.00</u>
D.	Cornell Park - Construction Administration	<u>\$1,375.00</u>
	<b>TOTAL</b>	<b><u>\$13,365.00</u></b> + reimbursables
E.	Optional Services:	TBD
	<b>TOTAL</b>	<b><u>TBD</u></b> + reimbursables

B. For billing procedures, see Appendix A.

#### IV. Additional Services

Any extra services, including additional work or meetings, requested by the Client in addition to those indicated in this proposal shall be billed at the hourly rate listed below in addition to the fee indicated in Item III above.

<i>Hourly Fees for Services of:</i>	<i>Rate Per Hour</i>
<i>President</i>	<i>\$185.00</i>
<i>Principal</i>	<i>\$130.00 - \$160.00</i>
<i>Associate Landscape Architect</i>	<i>\$120.00 - \$135.00</i>
<i>Sr. Landscape Architect</i>	<i>\$105.00 - \$120.00</i>
<i>Jr. Landscape Architect</i>	<i>\$85.00 - \$105.00</i>
<i>Sr. Landscape Designer</i>	<i>\$95.00 - \$115.00</i>
<i>Landscape Designer</i>	<i>\$80.00 - \$105.00</i>
<i>Sr. Design Technician</i>	<i>\$95.00 - \$105.00</i>
<i>Design Technician</i>	<i>\$75.00 - \$90.00</i>
<i>Sr. Irrigation Designer</i>	<i>\$115.00 - \$125.00</i>
<i>Irrigation Design Technician</i>	<i>\$75.00 - \$90.00</i>
<i>Sr. Visual Communications Designer</i>	<i>\$110.00 - \$115.00</i>
<i>Visual Communications Designer</i>	<i>\$90.00 - \$110.00</i>
<i>Marketing Coordinator</i>	<i>\$90.00 - \$110.00</i>
<i>Administrative Staff</i>	<i>\$70.00 - \$90.00</i>

Note: The hourly rates shown may be revised as described in Appendix A, but would not affect the amount of compensation shown in Item III.

- A. Additional services shall include but are not limited to the following:
1. Revisions to the design following commencement of the Construction Documents Phase.
  2. Calculation of water budget and associated documentation for conformance with AB 1881 Model Water Efficient Landscape Ordinance
  3. Additional meetings to those described above.
  4. Preparation of front end (boilerplate) non-technical specifications.
  5. Preparation of construction documents for any work related to fountain or sculpture.
  6. Horticultural consulting and soils analysis.
  7. Revisions to the Construction Documents which result from more than one set of revision comments from the Township of Discovery Bay.

Accepted by:

Date: \_\_\_\_\_

*Fairin Perez*  
*Town of Discovery Bay*

**APPENDIX A**  
**TERMS AND CONDITIONS OF AGREEMENT BETWEEN CLIENT**  
**AND DAVID GATES AND ASSOCIATES, INCORPORATED**

The following additional terms and conditions are appended to, and part of, the Agreement for professional services between Gates + Associates, Inc., (GATES) [California License No. 1550], a California corporation, and *Town of Discovery Bay* ("Client"), dated *September 9, 2010*.

1. GATES will provide the Scope of Services as described. GATES agrees to perform the services set forth in this agreement, and Client agrees to pay for said services on the terms set forth in this agreement.
2. Additional Services not set forth in the Scope of Services include, but are not limited to, changes in the scope or detail of the work made at the request of Client; services made necessary by unforeseen conditions not disclosed to GATES at the time of entering into this agreement; and any other service performed by GATES not reasonably within the scope of the services envisioned at the time of entering into this agreement. All additions to the scope of work shall be in writing, and executed by the Client.
3. GATES's Fees shall be as described in the Scope of Services, plus Expenses. Expenses of consultants and other direct expenses shall be paid by the Client in the amount invoiced to GATES's plus ten percent (10%) for handling and indirect costs. These may include, but are not limited to irrigation consultants, printing and reproduction costs, mileage and travel costs, and other miscellaneous expenses.
4. Additional Services, requested and authorized by the Client, shall be paid on an hourly basis at the current standard scheduled rates below. GATES's hourly rate schedule may be adjusted on January 1 and July 1 of each year and shall apply for any services rendered after that date.

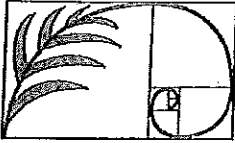
<i>Hourly Fees for Services of:</i>	<i>Rate Per Hour</i>
<i>President</i>	<i>\$185.00</i>
<i>Principal</i>	<i>\$130.00 - \$160.00</i>
<i>Associate Landscape Architect</i>	<i>\$120.00 - \$135.00</i>
<i>Sr. Landscape Architect</i>	<i>\$105.00 - \$120.00</i>
<i>Jr. Landscape Architect</i>	<i>\$85.00 - \$105.00</i>
<i>Sr. Landscape Designer</i>	<i>\$95.00 - \$115.00</i>
<i>Landscape Designer</i>	<i>\$80.00 - \$105.00</i>
<i>Sr. Design Technician</i>	<i>\$95.00 - \$105.00</i>
<i>Design Technician</i>	<i>\$75.00 - \$90.00</i>
<i>Sr. Irrigation Designer</i>	<i>\$115.00 - \$125.00</i>
<i>Irrigation Design Technician</i>	<i>\$75.00 - \$90.00</i>
<i>Sr. Visual Communications Designer</i>	<i>\$110.00 - \$115.00</i>
<i>Visual Communications Designer</i>	<i>\$90.00 - \$110.00</i>
<i>Marketing Coordinator</i>	<i>\$90.00 - \$110.00</i>
<i>Administrative Staff</i>	<i>\$70.00 - \$90.00</i>

5. Invoices for Services and Reimbursables shall be provided by GATES each month and are payable upon receipt. You agree to review the invoice and ask any questions of GATES within ten (10) days of receipt. If we do not hear from you, the invoice shall be deemed proper and acceptable. If your balance is not paid within thirty (30) days from receipt, the unpaid balance will accrue interest at ten percent (10%) per annum compounded daily until paid in full.
6. GATES reserves the right to suspend work in the event invoices are past due. GATES may recommence work when full payment is received, including collection costs, attorney fees, and other costs or other satisfactory arrangements are made with the Client. If a delinquency by Client occurs and GATES chooses not to suspend work, no waiver or estoppel shall be implied or inferred. Client agrees and understands that if GATES decides to so suspend its work, GATES shall not be liable for any costs or damages, including but not limited to delay and consequential damages, to the Owner, Client, or any other third party, that may arise from or be related to such a work suspension. Client agrees to hold GATES harmless from and completely indemnify GATES from



and against any and all damages, costs, attorney's fees, and/or other expenses which GATES may incur as a result of any claim by any person or entity arising out of such a suspension of work.

7. If any litigation, arbitration, or other legal action arising out of this contract ensues, the prevailing party shall be entitled to, without limitation, reasonable attorney's fees, collection expenses, expert fees, and costs.
8. This Agreement may be terminated by either Client or GATES by giving written notice at least thirty (30) days prior to the date of termination. In the event of such termination, Client shall pay GATES for Services and Reimbursable Expenses performed or incurred prior to the termination date, plus all costs and expenses directly attributable to such termination for which GATES is not otherwise compensated.
9. Plans, drawings and specifications or other writings or documents prepared or provided by GATES hereunder are prepared for specific use by the Client on this Project only. Client agrees not to use the whole or part of said plans, drawings, and specifications or other writings or documents prepared or provided by GATES for other projects or extensions to the Project or any other purpose without the express written consent of GATES. GATES shall provide Client with a reproducible set of drawings and specifications for its records. Client further agrees to hold GATES harmless from and indemnify GATES from and against any and all damages, losses, costs, and/or expenses, including attorney's fees, which GATES may incur as a result of a claim by any party or entity, arising out of an unauthorized use of said plans, drawings, specifications, and/or documents.
10. Client agrees that GATES's liability for negligence to Client shall be limited to the amount paid by Client hereunder for GATES's fees for Basic Services and Additional Services.
11. This Agreement represents the entire Agreement between Client and GATES. This Agreement may be amended only by a writing signed by both Client and GATES.
12. This contract shall be governed by the laws of the State of California and shall be deemed to have been entered into in San Ramon, California, regardless of where it is physically executed. If suit or arbitration is filed to enforce this contract, the parties consent to personal jurisdiction in the courts of Contra Costa County, State of California, and waive the right to have the suit brought in, tried in, or removed to any other judicial jurisdiction.



**Bruce Jett Associates**  
LANDSCAPE ARCHITECTS

2470 Mariner Square Loop  
Alameda, CA 94501  
510.523.0998  
Fax 510.523.0992

## **PROPOSAL FOR LANDSCAPE ARCHITECTURE SERVICES**

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**DATE:** March 15, 2010

**TO:** Fairin Perez  
Landscape Manager  
Town of Discovery Bay  
1800 Willow Lake Road  
Discovery Bay, CA 94505

**PROJECT:** Cornell Park  
Discovery Bay Boulevard  
Regatta Park Basketball Court  
Ravenswood Park Spray Park  
Ravenswood Park Solar Lighting

**CLIENT:** Town of Discovery Bay

### **SCOPE OF WORK**

Bruce Jett Associates, Inc. (BJA) is pleased to provide landscape architecture services as prime consultant to the Town of Discovery Bay (TODB) for the five projects noted above (please See Attachments 'A-D'). The Scope of Work for each project includes coordination and management of sub-consultants, Preliminary Design, Construction Documents preparation, Bidding Related Services and Construction Related Services as outlined in detail under Scope of Services below. The following outlines services and deliverables for each of the five separate projects and assumes that each of the five projects will be issued as separate bidding and construction packages. All work will be in conformance with TODB standards and shall meet or exceed the Town's highest expectations for professional Landscape Architecture design services.

### **SCOPE OF SERVICES**

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Services for all projects are outlined in detail below and include Preliminary Designs and budgets for TODB review and approval. Upon approval of Preliminary Designs and budgets, BJA will integrate TODB comments into the Landscape Construction Documents and prepare 50% progress review Construction Documents, 90% Construction Documents to be of sufficient level of effort for TODB and/or Contra Costa County building permit review if required. Following review and comment of 90% Construction Documents, BJA will make appropriate corrections and prepare 100% Construction documents to be issued for bidding and construction purposes. All drawings will be prepared at a scale to clearly identify and communicate elements to be constructed. Specific products to be provided by BJA for each of the projects include:

## **CORNELL PARK PLAYGROUND**

### **Preliminary Design to include:**

1. Prepare for and attend project kick-off meeting with Town of Discovery Bay Landscape Management personnel to become familiar with project requirements and design program, to be held concurrently with other projects
  2. Site assessment and verification
  3. Based upon site inventory and verification, aerial images and/or available existing as-built or design drawings, prepare electronic base drawing
  4. Prepare two (2) alternative Preliminary Plans, sketches and sections, and play equipment images as needed to illustrate spatial character, play equipment options and landscape treatments
  5. Prepare preliminary Opinion of Probable Construction Costs for review and comment by TODB
  6. Meet with TODB representatives to review and discuss alternative plans and budgets
  7. Integrate TODB preferred Preliminary Plan and comments into Construction Documents
- 

### **Construction Documents**

1. Based upon approved Preliminary Design drawings and TODB comments, prepare final electronic base drawings for distribution to sub-consultants
  2. Layout plans locating play area, play equipment, edging, access ramps, picnic tables, paving, and site furnishings.
  3. Layout plan locating curb ramp, curb and gutter modifications and regulatory signage and curb painting for 1-2 Disabled Parking spaces to be located adjacent to the park entrance from Willow Lake Road Street.
  4. Details identifying dimensions, finishes and construction methods for items identified above.
  5. Grading and Drainage Plans indicating overall vertical relationships and play area drainage systems for proposed improvements by use of spot elevations and contours. Assumes storm drain connections are available within a reasonable distance of proposed improvements.
  6. Irrigation Plans and details for modifications to existing irrigation systems.
  7. Planting Plans and details for turf replacement and additional shade trees.
  8. Project specifications identifying General Conditions, General Requirements, standards of quality, products and materials and methods of execution for items identified on plans and details above.
  9. Prepare Engineer's Estimate at 50% Construction Documents phase for budget verification.
  10. Instructions to Bidders and bidding forms.
  11. Prepare for and attend three coordination meetings with TODB representatives.
  12. Continued coordination with TODB and design team via email, telephone and correspondence.
- 

### **Bid Coordination**

1. Provide clarifications to bidders, prepare addenda to bid documents
  2. Review bids and make written recommendations to TODB
- 

### **Construction Administration**

3. Attend up to six site visits to review work in progress and provide written reports to TODB
  4. Prepare responses to RFI's in written and drawing form
  5. Review submittals, shop drawings, Contractor requests for payment, etc
  6. Prepare record drawings from documents provided by project contractor and drawings produced by BJA during the course of construction.
-

6. 50%, 90% and 100% CD Construction Details
7. 50%, 90% and 100% CD Specifications
8. Addenda and reports as described under Bid Related Services
9. Drawings and written responses to contractor RFI's as described under Construction Related Services
10. Record Drawings

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**FEES AND EXPENSES**

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<b>Cornell Park Playground</b>	
Sub-total Preliminary Design	\$ 4,225
 Sub-total Construction Documents	 \$17,940
 Sub-total Bid Related Services	 \$ 1,785
 Sub-total Construction Related Services	 <u>\$ 5,925</u>
 Total BJA Fees	 \$29,875
 Sub-consultant and Reimbursable Expenses (See Schedule of Fees and Expenses)	
Irrigation Sub-consultant Fee, including handling fee (RMA)	\$ 2,062
Reimbursable Expenses	<u>\$ 2,415</u>
 Sub-total Estimated Reimbursable Expenses	 \$ 4,477
 <b>TOTAL CORNELL PARK PLAYGROUND FEES AND EXPENSES</b>	 <b>\$34,352</b>

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<del>Discovery Bay Boulevard Planting Plan</del>	
<del>Sub-total Preliminary Design</del>	<del>\$ 3,500</del>
<del>Sub-total Construction Documents</del>	<del>\$ 7,795</del>
<del>Sub-total Bid Related Services</del>	<del>\$ 1,315</del>
<del>Sub-total Construction Related Services</del>	<del><u>\$ 4,160</u></del>
<del>Total BJA Fees</del>	<del>\$16,770</del>
<del>Sub-consultant and Reimbursable Expenses (See Schedule of Fees and Expenses)</del>	
<del>Irrigation Sub-consultant Fee, including handling fee (ISC)</del>	<del>\$ 3,465</del>
<del>Reimbursable Expenses</del>	<del><u>\$ 1,430</u></del>
<del>Sub-total Estimated Reimbursable Expenses</del>	<del>\$ 4,895</del>

## DELIVERABLES

1. Two Preliminary Landscape Plans
2. 50%, 90% and 100% CD Layout Plans
3. 50%, 90% and 100% CD Landscape Grading Plans
4. 50%, 90% and 100% CD Planting Plans
5. 50%, 90% and 100% CD Irrigation Plans
6. 50%, 90% and 100% CD Construction Details
7. 50%, 90% and 100% CD Specifications
8. Addenda and reports as described under Bid Related Services
9. Drawings and written responses to contractor RFI's as described under Construction Related Services
10. Record Drawings

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## DISCOVERY BAY BOULEVARD PLANTING IMPROVEMENTS

### Preliminary Design to include:

1. Prepare for and attend project kick-off meeting with Town of Discovery Bay Landscape Management personnel to become familiar with project requirements and design program, to be held concurrently with other projects
2. Site inventory and verification
3. Based upon site inventory and verification, aerial images and/or available existing as-built or design drawings, prepare electronic base drawing
4. Prepare two (2) alternative Preliminary Plans, sketches and sections, to illustrate proposed replacement planting treatments, with plant lists identifying proposed plants by common and botanical names, quantities and container sizes
5. Prepare preliminary Opinion of Probable Construction Costs for review and comment by TODB
6. Meet with TODB representatives to review and discuss alternative plans and budgets
7. Integrate TODB preferred Preliminary Plan and comments into Construction Documents

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### Construction Documents

1. Based upon approved Preliminary Design drawings and TODB comments, prepare final electronic base drawings for distribution to sub-consultants
2. Irrigation Plans and details for modifications to existing irrigation systems
3. Planting Plans and details
4. Project specifications identifying General Conditions, General Requirements, standards of quality, products and materials and methods of execution for items identified on plans and details above
5. Instructions to Bidders and bidding forms
6. Prepare Engineer's Estimate at 50% Construction Documents phase for budget verification
7. Prepare for and attend three coordination meetings with TODB representatives
8. Continued coordination with TODB and design team via email, telephone and correspondence

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### Bid Coordination

1. Provide clarifications to bidders, prepare addenda to bid documents
2. Review bids and make written recommendations to TODB

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### Construction Administration

3. Attend up to six site visits to review work in progress and provide written reports to TODB
4. Prepare responses to RFI's in written and drawing form
5. Review submittals, shop drawings, Contractor requests for payment, etc





# Town of Discovery Bay CSD

## AGENDA REPORT

Meeting Date

September 15, 2010

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

### Agenda Title

Appoint a member of the Board to fill the position of President Pro-Tempore

### Recommended Action

Appoint a member of the Board to fill the position of President Pro-Tempore

### Executive Summary

On September 1, 2010, the Board adopted Resolution 2010-13 (Attached) adding the position of President Pro-Tempore to the list of Board member titles. The position of President pro Tempore is necessary when both the Board President and Vice-President, respectively, are absent from a regular or special meeting of the Board. When this occurs, it is necessary to identify a Board member to act, on a temporary basis, as Board President.

Staff recommends that the Board identify and appoint a member of the Board to be President pro Tempore. It is also recommended that the President Pro Tempore fill the role of secondary signer of warrants and checks

### 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

Discussion at August 25, 2010 Board Workshop  
September 1, 2010 – Adopt Resolution 2010-13

### Attachments

Resolution 2010-13

AGENDA ITEM: E-1



**TOWN OF DISCOVERY BAY COMMUNITY  
SERVICES DISTRICT  
RESOLUTION NO. 2010-13**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN OF  
DISCOVERY BAY COMMUNITY SERVICES DISTRICT ELIMINATING THE  
TITLE OF TREASURER FROM THE LIST OF BOARD TITLES AND ADD THE  
TITLE PRESIDENT PRO-TEMPORE TO THE LIST OF BOARD TITLES**

WHEREAS, Town of Discovery Bay Community Services District Board of Directors includes four titles; President, Vice-President, Treasurer and Director, and

WHEREAS, Government Code §61052 (a) states that "the county treasurer of the principal county shall be treasurer of the district and shall be the depository and have the custody of all of the district's money" and

WHEREAS, the Board Treasurer assumes none of the duties of the county treasurer, and is in conflict with state law, and

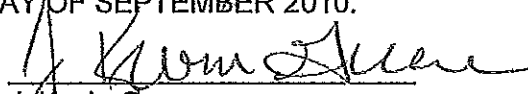
WHEREAS, it is prudent to identify succession of the chair in the event the President and Vice President are both absent, to be called "President Pro-Tempore."

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. In order to eliminate confusion and update the list of Board titles, hereby eliminates the title of "Board Treasurer" from the list of Board member titles and hereby creates the title of "President Pro-Tempore" to the list of Board member titles.

SECTION 2. The Board Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS 1<sup>st</sup> DAY OF SEPTEMBER 2010.

  
J. Kevin Graves  
Board President

I hereby certify that the foregoing Resolution was duly adopted by the Board of Directors of the Town of Discovery Bay Community Services District at a regularly scheduled meeting, held on September 1, 2010 by the following vote of the Board:

AYES: 5  
NOES: 0  
ABSENT: 0

  
Richard J. Howard  
Board Secretary



County Supervisor Mary Nejedly Piepho, District III  
CONTRA COSTA COUNTY BOARD OF SUPERVISORS

TOWN OF DISCOVERY BAY

RECEIVED

9-2-10

Emailed to Board

GM c/j  
RHP  
CA File

COMMITTEES

Internal Operations Committee

Delta Protection Commission

Transportation, Water & Infrastructure Committee

Tri Valley Transportation Committee

Local Agency Formation Commission

Central Contra Costa Solid Waste Authority

Airport Committee

Association of Bay Area Governments

Contra Costa Regional Medical Center Joint Services Committee

Dougherty Valley Oversight Committee

South West Area Transportation

August 17, 2010

Honorable Ray LaHood, Secretary of Transportation  
U.S. Department of Transportation  
1200 New Jersey Ave, SE 9th Floor  
Washington, DC 20590-0001

Dear Secretary LaHood,

I am writing in support of the Public Works Department's application for a Transportation Investment Generating Economic Recovery (TIGER II) grant for the Vasco Road Safety Improvements Project.

More and more people are living in areas located farther from their jobs, requiring them to travel farther on roads that are overburdened. East Contra Costa County offers affordable housing to persons employed in the greater San Francisco Bay Area Region. Rural road safety is a key component in providing job connections. Vasco Road is a rural roadway that extends from the State Route 4 Bypass south of the City of Brentwood to Interstate 580 in the City of Livermore. It has become a major commute corridor, serving employment centers in Contra Costa County, Santa Clara County, Alameda County and the Bay Area as a whole.

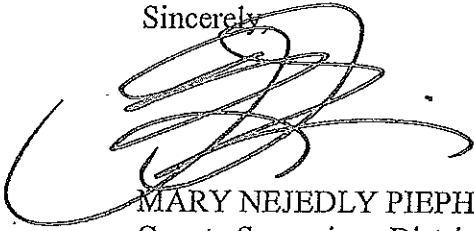
Contra Costa County has made a strong effort to reduce the number of collisions on Vasco Road, but there remains a need for increased safety improvements. Phase 2 of the Vasco Road Safety Improvements Project would construct a concrete median barrier for an approximate project length of 1.5 miles in an area where a concentration of serious collisions have occurred. Funding for this phase will help to complete the overall project, with Phase 1 already under construction.

The Vasco Road Safety Improvements Project is needed in making safety on our regional network a priority. Please continue to make funding for the Vasco Road Safety Improvements Project a priority. I fully support all efforts to seek funding for this project.

Please free feel to contact me regarding this or any future matter at (925) 240-7260.

As always, it is an honor to work with you in service to the constituents of Contra Costa County.

Sincerely,



MARY NEJEDLY PIEPHO  
County Supervisor, District III

MNP:kc

Cc: Congressman Jerry McNerney, 11<sup>th</sup> District  
Congressman John Garamendi, 10<sup>th</sup> District  
Assembly member Joan Buchanan, 15<sup>th</sup> District  
Contra Costa Transportation Authority  
Metropolitan Transportation Authority  
Highway 4 Bypass Authority  
Mayor Taylor, City of Brentwood  
Kevin Graves, President, Town of Discovery Bay CSD ✓  
Linnea Juarez, Chair, Byron Municipal Advisory Council  
Linda Weekes, Chair, Knightsen Town Advisory Council