



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



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

NOTICE OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY Wednesday July 6, 2022, 7:00 P.M.

NOTICE Coronavirus COVID-19

In response to the current proclaimed State of Emergency, indoor masking requirements, and recommended measures to promote social distancing imposed by State and local officials, the Town of Discovery Bay Community Services District Board of Directors will take all actions necessary to carry out the intent and purpose of AB 361, including, ensuring that the Directors and meeting attendees may continue to have the option to access and participate in this public meeting by teleconference to avoid imminent risks to the health or safety of the Directors and meeting attendees.

To accommodate the public during this period of time, the Town of Discovery Bay Community Services District Board of Directors has arranged for members of the public to observe and address the meeting telephonically or in person.

TO ATTEND IN PERSON: The meeting will be held at the Community Center located at 1601 Discovery Bay Boulevard.

TO ATTEND BY WEBINAR:

Please register for the Regular Meeting of the Board of Directors by: (Copy and paste into your browser the registration URL. You will then be directed to download the webinar to your device and register with LogMeIn, Inc.)

Registration URL: <https://attendee.gotowebinar.com/register/6908606914850181388>
Webinar ID#: 724-723-387

After registering, you will receive a confirmation email containing information about joining the webinar by computer or by phone.

For listen only mode dial: +1 (914) 614-3221 ID# 694-483-656

Download Agenda Packet and Materials at <http://www.todb.ca.gov/>

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Call business meeting to order 7:00 p.m.
2. Pledge of Allegiance.
3. Roll Call.

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

During Public Comments, the public may address the Board on any issue within the District's jurisdiction which is not on the Agenda. The public may comment on any item on the Agenda at the time the item is before the Board for consideration. Any person wishing to speak will have 3 minutes to make their comment. There will be no dialog between the Board and the commenter as the law strictly limits the ability of Board members to discuss matters not on the agenda. We ask that you refrain from personal attacks during comment, and that you address all comments to the Board only. Any clarifying questions from the Board must go through the President. Comments from the public do not necessarily reflect the viewpoint of the Directors.

C. CONSENT CALENDAR

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

1. Approve Regular Board of Directors DRAFT Meeting minutes from June 15, 2022.
2. Approve Register of District Invoices.
3. Approve Resolution 2022-25 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.

D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS

1. Supervisor Diane Burgis, District III Report.
2. Sheriff's Office Report.
3. CHP Report.
4. Contra Costa Fire Report.

E. PRESENTATIONS

1. None.

F. DISCUSSION AND POSSIBLE ACTION

1. Public Hearing to consider Town of Discovery Bay CSD Ravenswood Landscape Zone #9, Park, Lighting and Open Space Improvements District Assessment Report for the Fiscal Year 2022-2023; Continue Collection of Assessments on County Tax Roll and Adoption of Resolution No. 2022-24.
2. Discussion and Possible Action to Approve Change Order No. 2 for BSK Geotechnical Services for the Denitrification and Master Plan Upgrades Project in the amount of \$75,035.

G. MANAGER'S REPORT

H. GENERAL MANAGER'S REPORT

I. DIRECTOR REPORTS

1. Standing Committee Reports.
 - a. Communications Committee Meeting (Committee Members Michael Callahan and Carolyn Graham). July 6, 2022.
 - b. Parks and Recreation Committee Meeting (Committee Members Bryon Gutow and Ashley Porter). July 6, 2022.
 - c. Water and Wastewater Committee Meeting (Committee Members Kevin Graves and Ashley Porter). July 6, 2022.
2. Other reportable items.

J. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS

None.

K. CORRESPONDENCE RECEIVED

L. MUNICIPAL ADVISORY COUNCIL

None.

M. FUTURE AGENDA ITEMS

N. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA

O. CLOSED SESSION:

P. RETURN TO OPEN SESSION: REPORT ON CLOSED SESSION

Q. ADJOURNMENT

1. Adjourn to the next Regular Meeting of the Board of Directors on July 20, 2022, beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

"This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the American with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code § 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the Town of Discovery Bay, at (925) 634-1131, during regular business hours, at least forty-eight hours prior to the time of the meeting."

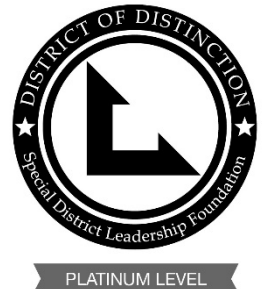
"Materials related to an item on the Agenda submitted to the Town of Discovery Bay after distribution of the agenda packet are available for public inspection in the District Office located at 1800 Willow Lake Road during normal business hours."



TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



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

NOTICE OF THE REGULAR MEETING MINUTES OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY Wednesday June 15, 2022, 7:00 P.M.

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Call business meeting to order 7:00 p.m.
2. Pledge of Allegiance led by Interim Assistant General Manager, Mike Davies.
3. Roll Call - all members were present.

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

1. Resident requested recorded video should be made available online.

C. CONSENT CALENDAR

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

1. Approve Regular Board of Directors DRAFT Meeting minutes from June 1, 2022.
2. Approve Special Board of Directors Town Hall Event Meeting Minutes from June 4, 2022.
3. Approve Register of District Invoices.
4. Approve Resolution 2022-19 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.
5. Approve the Extension of Luhdorff and Scalmanini Contract Engineers for Service into FY 2022-23.
6. Approve Contracting with Croce, Sanguinetti & Vander Veen to Perform the Town of Discovery Bay's Independent Audit for Fiscal Year 2021.22.

Director Graham made a Motion to Approve the Consent Calendar as presented.

Director Callahan second.

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

No public comment.

D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS

1. None.

E. PRESENTATIONS

1. Veolia Presentation canceled – Board of Directors July 20th Meeting will have both months combined.

F. DISCUSSION AND POSSIBLE ACTION

1. Discussion and Possible Action to Approve the Annual Assessment for the Ravenswood Improvement District – DB Lighting and Landscape Zone 9 for the Fiscal Year 2022-2023, Accept Engineer's Report, and Adopt Resolution No. 2022-22.

Presented by Finance Manager, Julie Carter.

- Director Gutow had a clarifying question in regard to the 2006 Assessment Engineering Report, Finance Manager Carter confirmed the 2006 was the baseline report. Gregory Harris, HERWIT Engineering explained the engineering calculations and formulas for either reducing or setting the maximum limits.

- Staff Recommendation to adopt Resolution 2022-22 authorizing the intent to levy and collect an annual assessment for the Ravenswood Improvement District – DB L&L Zone #9 for the Fiscal Year 2022-2023 and to set the Public Hearing for July 6, 2022, at 7pm.

President Graves made a Motion to Accept Staff Recommendation to approve Engineering Report and Resolution 2022-22.

Director Callahan second.

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

No public comment.

2. Public Hearing. Discussion and Possible action to Adopt Resolution 2022-20 Adopting the Operating, Capital Improvement, and Revenue Budgets for Fiscal Year 2022-2023.

- Current Fiscal Year is updated through April 30, 2022.

Director Graham made a Motion to Adopt the 2022 -2023 Budget.

Vice-President Porter second.

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

No public comment.

3. Discussion and Possible Action Regarding Adopting Resolution No. 2022-21 Updating the Injury and Illness Prevention Program Policy 021.

Presented by Interim Assistant General Manager, Mike Davies.

- Injury Illness Prevention Program was updated to include COVID-19 section to policy and was reviewed by Internal Operations Committee on 6/1.

Vice-President Porter made a Motion to Adopt Injury and Illness Prevention Program Policy 021.

Director Graham second.

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

4. Discussion and Possible Action Regarding Adopting Resolution No. 2022-23 Ins Support of Ensuring the Health and Sustainability of the Sacramento-San Joaquin Delta.

Presented by Interim Assistant General Manager, Mike Davies.

- Contra Costa County reached out to staff with a template Resolution for Board support via this resolution to support their efforts in looking at alternatives to this type of project. President Graves has interest attending the public meeting for informational purposes and will bring report back to Board.

No public comment.

Director Graham made a Motion to Adopt Resolution 2022-23.

Vice-President Porter second.

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

5. Discussion and Possible Action to Award and Authorize the General Manager to Execute any and all Contracts for the Construction of the Diffuser Project.

Presented by Gregory Harris, HERWIT Engineering.

- Project costs keep increasing and is not inclusive, currently need to reassess the need to rebuild and maintain the Diffuser. Currently, looking for an alternative solution with a set budget of \$200K.

One public comment: Resident inquired if the Board has considered sharing outfall with other agencies and if there any preventable actions in the future.

President Graves confirmed that the Water and Wastewater Committee are currently in discussion with preventable measures.

Vice President Porter made a Motion to Accept Staff Recommendation to fix diffuser not to exceed \$200K and cancelling what was previously approved.

Director Callahan second.

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

G. MANAGER'S REPORT

H. GENERAL MANAGER'S REPORT

1. Municipal Advisory Committee (MAC) Listed on Agenda Beginning July 2022.

Presented by Interim Assistant General Manager, Mike Davies.

- Add Agenda Item to include Advisory Council under that section.

I. DIRECTOR REPORTS

1. None.

J. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS

None.

K. CORRESPONDENCE RECEIVED

1. Email from Dawn Morrow RE: Delayed Construction on Bixler Road Due to Bird Nest.

L. FUTURE AGENDA ITEMS

M. OPEN SESSION DISCLOSURE OF CLOSED SESSION AGENDA

(Government Code Section 54957.7)

N. CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: one case

O. RETURN TO OPEN SESSION, REPORT ON CLOSED SESSION

(Government Code Section 54957.1)

P. ADJOURNMENT

1. Meeting adjourned at 7:57 p.m. to the next Regular Meeting of the Board of Directors on July 6, 2022, beginning at 7:00 p.m. at the Community Center located at 1601 Discovery Bay Boulevard.

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Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

July 6, 2022

Prepared By: Julie Carter, Finance Manager & Lesley Marable, Accountant
Submitted By: Dina Breitstein, General Manager

Agenda Title

Approve Register of District Invoices.

Recommended Action

Staff recommends that the Board approve the listed invoices for payment.

Executive Summary

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

Fiscal Impact:

Amount Requested \$ 1,206,952.36

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 2021/2022

AGENDA ITEM: C2

Request for Authorization to Pay Invoices
For The Meeting On July 6, 2022
Town of Discovery Bay CSD
Fiscal Year 7/21 - 6/22

SDRMA	\$319,600.00
W.R. Forde Associates, Inc.	\$291,161.49
Veolia Water North America	\$269,927.84
Pacific Gas & Electric	\$114,601.68
WorleyParsons Group, Inc.	\$44,016.54
Town of Discovery Bay CSD	\$34,570.56
San Joaquin County Office Of Ed	\$30,783.52
Saviano Company Inc.	\$21,000.00
Luhdorff & Scalmanini	\$15,579.00
J.W. Backhoe & Construction, Inc.	\$11,337.67
Robert Half	\$9,057.87
Neumiller & Beardslee	\$6,268.30
ArchiveSocial, Inc.	\$5,988.00
Harris & Associates, Inc.	\$4,747.24
Precision IT Consulting	\$4,301.37
Contra Costa Health Services	\$4,060.00
Freedom Mailing Service, Inc	\$3,266.87
BrightView Landscape Services, Inc.	\$3,200.00
Janitorial Plus	\$3,090.00
Mt Diablo Resource Recovery	\$1,479.00
Univar Solutions USA Inc.	\$1,440.07
Watersavers Irrigation Inc.	\$1,035.91
Bill Brandt Ford	\$929.96
Ricoh USA, Inc	\$907.08
Lincoln Aquatics	\$823.28
ODP Office Solutions, LLC	\$805.72
Alhambra	\$786.20
Water Utility Refund	\$533.50
Precision Plumbing & Contracting, Inc.	\$300.00
UniFirst Corporation	\$246.60
Michael Davies	\$218.25
Concentra	\$209.00
Department of Justice	\$196.00
Ambient Air Inc.	\$175.00
Quadient Leasing USA, Inc.	\$140.34
County Of Contra Costa, Dept of Info Tec	\$118.50
County Clerk - CCC	\$50.00

\$1,206,952.36



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
RESOLUTION 2022-25**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE TOWN DISCOVERY BAY
COMMUNITY SERVICES DISTRICT RE-AUTHORIZING REMOTE TELECONFERENCE
MEETINGS OF THE LEGISLATIVE BODY OF THE TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT PURSUANT TO BROWN ACT PROVISIONS**

WHEREAS, the Town of Discovery Bay Community Services District (the “Town”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Town’s legislative body are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District’s legislative body conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, the Town’s Board of Directors previously adopted a Resolution, Number 2021-16 on October 20, 2021, finding that the requisite conditions exist for the legislative body of the Town to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must make findings that the Board has reconsidered the circumstances of the state of emergency that exist in the Town, and that either the state of emergency continues to directly impact the ability of the members to meet safely in person, or State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency continues to exist throughout California as a result of the threat of COVID-19; and

WHEREAS, currently the dominant strain of COVID-19 in the country continues to be more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations, therefore, meeting in person would present imminent risks to the health or safety of attendees and members; and

WHEREAS, the Cal-OSHA adopted emergency regulations (Section 3205) imposing requirements on California employers, including measures to promote social distancing remain in effect; and

WHEREAS, the health orders issued by the Contra Costa County Health Officer to preserve the public health, including requiring all people in Contra Costa County who aren’t fully vaccinated, to adhere to indoor masking requirements, recommending measures for social distancing from non-household members for vaccinated individuals that have been exposed to COVID-19, and measures acknowledging that close contact to other persons increases the risk of transmission, remain in effect.

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

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. AB 361 Compliance. The Board of Directors began using teleconferencing in accordance with subdivision (e) of Section 54953 of the Government Code, as amended by AB 361, on October 20, 2021, and have made the requisite findings by majority vote not later than 30 days after October 20, 2021, and every 30 days thereafter.

Section 3. State of Emergency. The Board of Directors hereby reconsiders the circumstances of the current State of Emergency proclaimed by the Governor on March 4, 2020, and find that the ongoing conditions of the State of Emergency directly impact the ability of members to meet safely in person.

Section 4. Measures to Promote Social Distancing. The Board of Directors hereby finds that Cal-OSHA and the County Health Official continue to recommend measures to promote physical distancing.

Section 5. Remote Teleconference Meetings. The General Manager of the Town of Discovery Bay Community Services District is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

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 meeting, held on July 6, 2022, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dina Breitstein
Board Secretary



Town of Discovery Bay

“A Community Services District”

STAFF REPORT

Meeting Date

July 6, 2022

Prepared By: Julie Carter, Finance Manager
Submitted By: Dina Breitstein, General Manager

Agenda Title

Public Hearing to consider Town of Discovery Bay CSD Ravenswood Landscape Zone #9, Park, Lighting and Open Space Improvements District Assessment Report for the Fiscal Year 2022-2023; Continue Collection of Assessments on County Tax Roll and Adoption of Resolution No. 2022-24.

Recommended Action

Hold the public hearing. Approve and Adopt Resolution No. 2022-24 confirming the Engineer's Report and ordering the levy and collection of charges for the annual assessment for the Ravenswood Improvement District Assessment within the Town of Discovery Bay Community Services District for the Fiscal Year 2022-2023; continue collection of assessments on County Tax Roll for Ravenswood Landscape, Park, Lighting and Open Space Improvements District.

Executive Summary

On May 4th, 2022, as part of the annual assessment process for the Ravenswood Improvement District – DB Lighting and Landscape Zone #9, the Board of Directors adopted Resolution 2022-14, which directed HERWIT Engineering to prepare the 2022-2023 assessment report.

On June 15, 2022 the Board approved Resolution No. 2022-22 which accepted the Engineer's Report submitted by HERWIT. In that report, it was determined that based on operating costs (as shown on the Adopted Operating and Capital Budget for Discovery Bay Lighting and Landscape Zone 9) the per parcel assessment should be set at \$779.12 which is the maximum allowable assessment for Zone 9. This is a 5% increase over last fiscal year's assessments of \$742.04.

In order to levy and collect the annual assessment, the Board must approve and adopt the attached resolution. Adoption of Resolution 2022-24 imposes the assessment on real property (5% increase) within DB L&L #9 and also approves the filing of the attached Notice of Exemption.

Fiscal Impact:

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

Previous Relevant Board Actions for This Item

May 4th, 2022 - Approval and Adoption of Resolution 2022-14 Directing HERWIT Engineering to prepare annual assessment report for the Ravenswood Improvement District (DB L&L #9) – 2022-2023.

June 15th, 2022 - Approval and Adoption Resolution 2022-20 Approving and Adopting of the Final Operating and Capital Improvement Budget for Discovery Bay Landscape and Lighting Zone #9.

June 15th, 2022 - Approval and Adoption of Resolution 2022-22 accepting HERWIT Engineers Report.

Attachments

1. Resolution 2022-24, confirming the report and ordering the levy and collection of charges.
2. Assessment Engineer's Report 2022-2023, DB L&L Zone #9.
3. Notice of Exemption.
4. Public Notice from East County Times.

AGENDA ITEM: F1



**TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT**

RESOLUTION NO. 2022-24

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY,
A CALIFORNIA COMMUNITY SERVICES DISTRICT
CONFIRMING THE REPORT AND ORDERING THE LEVY AND COLLECTION OF CHARGES FOR
THE ANNUAL ASSESSMENTS FOR RAVENSWOOD IMPROVEMENT DISTRICT ASSESSMENTS
WITHIN THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT
FOR THE FISCAL YEAR 2022-2023**

WHEREAS, all property owners in Ravenswood approved the formation of a landscaping, parks, lighting and open space assessment district pursuant to California Streets and Highways Code sections 22500 and following; and

WHEREAS, the formation of such district, and the levy of assessment on the real property therein was approved by the landowners in such district in accordance with California Constitution Article XIID {Proposition 218};

WHEREAS, the proposed assessments for the 2022-2023 Fiscal Year are within the limits approved by the landowners in accordance with Proposition 218;

WHEREAS, the assessments against the real property in each assessment area are not levied with regard to property values and these assessments are for the purpose of paying for the operation and maintenance of landscaping, parks, lighting and open space installed in such district; and

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. The report, diagram and assessment set forth in that report {"Report"} prepared by Herwit Engineers for the Ravenswood Improvement for Fiscal Year 2022-2023 is adopted and confirmed.

SECTION 3. The \$779.12 assessment specified in the Report for the Ravenswood District, for Fiscal Year 2021-2022 is hereby imposed on the real property within such district for fiscal year 2022-2023.

SECTION 4. The Board of Directors of the Town of Discovery Bay Community Services District orders the levy and collection of such assessments in accordance with California Streets and Highway Code sections 22645 and 22646.

SECTION 5. The Secretary of the Board of Directors is authorized and directed to file the diagram and assessments and any other necessary documents, with the Auditor-Controller of Contra Costa County in accordance with California Streets and Highway Code section 22641.

SECTION 6. The President of the Board of Directors or the General Manager is authorized and directed to execute any documents necessary to carry out the intent of this Resolution.

SECTION 7. The Secretary of the Board of Directors is authorized and directed to file a Notice of Exemption pursuant to Public Resources Code section 21080 (b)(8) and Title 14 California Code of Regulations section 15062.

PASSED, APPROVED AND ADOPTED THIS 6th DAY OF JULY 2022.

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 regular meeting, held on July 6, 2022, by the following vote of the Board:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dina Breitstein
Board Secretary

ASSESSMENT ENGINEER'S REPORT

Prepared for the

**TOWN OF DISCOVERY BAY COMMUNITY
SERVICES DISTRICT**

**Landscaping, Park, Lighting and Open-Space
Improvements District DB L&L #9**

For Fiscal Year 2022-2023

**Prepared by
HERWIT Engineering**

**6200 Center Street, Suite 310
Clayton, California 94517
(925) 672-6599**

JULY 2022

Town of Discovery Bay Community Services District

Director and President

Kevin Graves

Director and Vice President

Ashley Porter

Director

Bryon Gutow

Director

Michael Callahan

Director

Carolyn Graham

General Manager

Dina Breitstein

Interim Assistant General Manager

Mike Davies

Finance Manager

Julie Carter

Parks & Landscape Manager

Bill Engelman

District's Attorney

Neumiller & Beardslee

Assessment Engineer

HERWIT Engineering

Date: June 2022

**Assessment Engineers Report
For
Landscape, Park, Lighting and Open-Space District DB L&L #9, Zone #1
Subdivision 8710 (Ravenswood)**

Pursuant to Governmental Code 61710 and procedures of the Landscaping and Lighting District Act of 1972, the Town of Discovery Bay Community Services District (CSD) is responsible for the Landscape, Park, Lighting and Open-Space District DB L&L #9 submits this "Assessment Engineers Report" for the 2022-2023 year, which consists of five (5) parts as follows.

PART A. Plans and Specifications

This part describes the improvements in this District. The plans, drawings and specifications are on file in the Town of Discovery Bay CSD District Office. A listing of these documents and drawings are outlined in the original Assessment Engineers Report approved in 2006.

PART B. Estimate of Cost

This part contains an estimate of the cost of proposed improvements, including incidental costs and expenses in connection therewith, is as forth on the lists, which are on file in the Town of Discovery Bay CSD District office.

PART C. Method of Apportionment of Assessment

This part contains the method by which the undersigned engineering firm has determined the amount proposed to be assigned against each parcel, based upon parcel classification of land within this District, in proportion to the estimated benefits to be received. This listing is also on file in the Town of Discovery Bay CSD District office.

PART D. District Diagram of Assessment

This part by reference of a diagram shows the parcel lot numbers that are within this District.

PART E. Property Owner List & Assessment Roll

The listing of Assessed parcels and their owners are on file in the Town of Discovery Bay CSD District office.

Engineers Assessment Report for 2021-2022 year

During this time period the DB L&L #9, Zone #1 District financial report shows estimated end of year totals as follows:

\$ 167,634	Annual assessments & investment revenue was received
\$ 136,470	Annual expenses grounds maintenance, capital improvements, and administrative expenses.
<u>\$ 273,524</u>	Fund total after 2021-2022 annual expenses.

Current Assessment

The 2021-2022 fiscal year assessment per parcel based on the engineer's formula defined in the Assessment Engineers Report adopted in 2006 is \$742.04 per parcel. This is greater than the initial year assessment as defined in the Assessment Engineers Report due to increases in maintenance and utility costs, and to maintain the reserve account balance.

Inflation Adjustment to Maximum Assessment

The maximum assessment defined in the Assessment Engineers Report adopted in 2006 is \$501 per parcel based upon build out of the facilities and maintenance of the storm water basins. As specified in the Assessment Engineers Report, the maximum assessment is escalated annually by the consumer price index for San Francisco-Oakland-San Jose. At the time of preparation and adoption of the Assessment Engineers Report, the CPI index as published by the Bureau of Labor Statistics (BLS) for the Consolidated Metropolitan Statistical Area (CMSA) covering San Francisco – Oakland – San Jose reported for April 2006 was 208.9. The base year for the index is an average of 1982, 1983, and 1984 (hence 1982-1984=100). On April 2022, the same CPI index is reported as 324.87. Based upon the change in the CPI, the new maximum assessment allowed for the 2022-2023 fiscal year is \$ 779.12.

Calculation of Maximum Reserve Account Balance

As stated in the adopted Assessment Engineers Report, the total funds in the reserve account are limited to 200% of the total funds collected by the District's not to exceed annual assessment. The new maximum not to exceed annual assessment allowable for the 2022-2023 fiscal year is \$ 779.12. This assessment is equally assessed to 203 parcels for an annual total of \$ 158,161.36. Therefore, the maximum Reserve Account Balance is \$ 316,322.72. After the reserve account has accrued to the maximum amount, any money received by the District in excess of annual maintenance and administrative costs will be returned to the property owner in the form of a reduced assessment in the following fiscal year.

New Assessment for 2022-2023 Fiscal Year

The District will incur normal expenses for the maintenance of the landscape District this year. The District anticipates minimal charges for capital improvements to rehabilitate existing streetscapes and parks this fiscal year. The estimated budget for 2022-2023 is \$ 158,800. This equates to \$ 782.27 per parcel for all 203 parcels, which is greater than the maximum allowable assessment of \$ 779.12 per parcel, or \$ 158,161.36 maximum assessment.

Based on this report, the assessment for 2022-2023 tax year should be \$ 779.12 to minimize the decrease in the reserve fund balance. The assessment for the 2022-2023 fiscal year is then \$ 779.12 per parcel applied equally to all 203 parcels as defined in the adopted Assessment Engineers Report.

NOTICE OF EXEMPTION

To: County Clerk
County of Contra Costa
555 Escobar Street
P.O. Box 350
Martinez, CA 94553

From: Town of Discovery Bay Community
Services District (CSD)
1800 Willow Lake Road
Discovery Bay, CA 94505

Project Title: Ravenswood Improvement District Annual Assessment

Project Location – Specific: Ravenswood Subdivision - Northwest quarter of Section 26, Township 1 North, Range 3 East, Mount Diablo Meridian as recorded in Book 458 of Maps, Pages 1-15, Contra Costa County Records.

Project Location – City: Town of Discovery Bay CSD **Project Location – County:** Contra Costa

Description of Nature, Purpose, and Beneficiaries of Project:

Levy of the annual assessment for fiscal year 2022-23 for the landscaping, park, lighting and open space district, known as Ravenswood Improvement District - DB L&L Zone #9, for the purpose of providing for the operation and maintenance of landscaping, parks, street lights and open space installed in the subdivision.

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:
- Statutory Exemptions. State code number: Public Resource Code § 21080(b)(8); California Code of Regulations § 15273

Reasons why project is exempt: The formation of the assessment district and the levy of assessments is not designed to increase services or expand a system, but if for the purpose of meeting operating expenses, purchasing supplies, equipment and materials, meeting financial reserve needs, and obtaining funds necessary for repair and replacement to maintain such services and systems for the Improvement District already determined to be installed pursuant to the various documents approving the Ravenswood subdivision.

Lead Agency

Contact Person: Dina Breitstein **Area Code/Telephone/Extension:** (925) 634-1131

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: 7/6/2022 Title: General Manager

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR:

**NOTICE OF PUBLIC HEARING
TOWN OF DISCOVERY BAY
COMMUNITY SERVICES DISTRICT
FISCAL YEAR 2022-2023 COLLECTION OF
ASSESSMENT ON THE CONTRA COSTA
COUNTY TAX ROLLS FOR THE RAVENSWOOD
SUBDIVISION NO. 8710**

Notice is hereby given that on Wednesday July 6, 2022, at 7:00 p.m., the Town of Discovery Bay Community Services District ("District") Board of Directors, will hold a public hearing at their Regular Meeting to consider adopting a Resolution for the continued collection of the assessment on the Contra Costa County Tax Rolls, for the Ravenswood Subdivision No. 8710, Landscaping, Park, Lighting and Open Space Improvements District also known as DB L&L Zone #9 in Discovery Bay for the fiscal year 2022-2023. The public hearing will take place at the Discovery Bay Community Center located at 1601 Discovery Bay Blvd, Discovery Bay, California. The public may attend and participate as noted on the meeting agenda.

ECT# 6678026 June 22, 2022



Town of Discovery Bay

"A Community Services District"

STAFF REPORT

Meeting Date

July 6, 2022

Prepared By: Gregory Harris, District Wastewater Engineer
Submitted By: Dina Breitstein, General Manager

Agenda Title

Discussion and Possible Action to Approve Change Order No. 2 for BSK Geotechnical Services for the Denitrification and Master Plan Upgrades Project in the amount of \$75,035.

Recommended Action

It is recommended that the Board take the following Action:

- a. Approve Change Order No. 2 for BSK Geotechnical Services for the Denitrification and Master Plan Upgrades Project in the amount of \$75,035.
- b. Authorize the General Manager to execute the Town's contract change order to the existing contract with BSK.
- c. Authorize the General Manager to execute any additional change orders to BSK Contract for up to 10% of the original contract value.

Executive Summary

The Town hired BSK to conduct the initial geotechnical investigation and report for the Denitrification project. Prior to start of construction, the Town hired BSK to provide geotechnical inspection, observation, and testing during construction.

Since construction began, BSK has been dealing with extra soil issues on site. As a result, BSK has used up their initial budget for the Denitrification Project. HERWIT worked with BSK to estimate the work left for them to finish the Denitrification project. Attached is an updated proposal for what would be change order # 2 for their contract. Change order #1 was for the Aerobic Digester Emergency Slope repair and was executed by the General Manager in December 2021. The current contract and change order amounts and statuses are summarized below.

- Original Contract amount \$90,752 (Approved and spent)
- Change Order No. 1 Aerobic Digester Repairs \$10,054 (Approved and spent)
- Change Order No. 2 Additional Inspection and Testing \$75,035 (Pending Approval)
- Revised Total Contract Amount \$175,841

Change Order No. 1 and BSK Proposal C21-312-61L Dated March 28, 2022 are attached for reference.

The attached proposal adds \$75,035 to their contract. Since this request is more than 10% of the original contract value, staff is requesting Town Board approval.

Previous Relevant Board Actions for This Item

Awarded original Geotechnical Services Contract to BSK in May, 2021 in the amount of \$90,752.

Fiscal Impact: \$75,035

Amount Requested: \$75,035

Sufficient Budgeted Funds Available?: yes.

Prog/Fund # Category: TBD

Attachments

1. BSK Proposal C21-312-61L Dated March 28, 2022.
2. BSK Change Order No. 1 Dated 12/6/2021.

AGENDA ITEM: F2



399 Lindbergh Avenue
Livermore CA 94551
P 925.315.3151
www.bskassociates.com

March 28, 2022

BSK Proposal C21-312-61L

Mr. Gregory Harris, PE – HERWIT Engineering
c/o Town of Discovery Bay CSD
1800 Willow Lake Road
Discovery Bay, CA 94505

**SUBJECT: Request for Amendment
Geotechnical Observation, Materials Testing, and Special Inspection Services
Denitrification and Master Plan Upgrades Project – Project No. 7005 and 7018
Discovery Bay Wastewater Treatment Plant
Discovery Bay, California**

Dear Mr. Harris:

As we recently discussed with HERWIT Engineering, we expect BSK Associates' (BSK) currently approved budget for geotechnical observation, materials testing, and special inspection services during construction of the above-referenced project could be exceeded in the month of March 2022 or shortly thereafter. As of February 28, 2022, BSK had charged a total of approximately **\$91,692.38** to our currently approved budget of **\$100,806¹**. A number of factors have impacted our original budget, such as a higher number of visits than originally anticipated during excavation and grading for Oxidation Ditch #4, additional visits needed to observe mitigation of unstable/wet subgrade conditions exposed at the bottom of excavations, and evaluation of cut slopes for Oxidation Ditch #4.


Below is a breakdown of our estimated charges for the budget increase we are requesting. The number of estimated visits was based on our discussion with HERWIT Engineering on March 25, 2022. Please note that this is just an estimate and is subject to change based on actual visits performed. Based on the estimated additional charges, we request increasing the approved budget of **\$100,806** by approximately **\$75,035** for a new total approved budget of **\$175,841**. **If you agree, please request that the Town of Discovery Bay send us another change order to our current Agreement with the Town of Discovery Bay dated June 4, 2021.** Please note that if this increase is not sufficient to cover our remaining visits requested for this project and associated charges through completion of the project, we will need to ask for another increase to our budget beyond what is requested above.

We appreciate the opportunity to be of continued assistance to the Town of Discovery Bay and HERWIT Engineering on this project and look forward to the successful construction of the project. Please, contact us at (925) 315-3151 if you have any questions or require additional information.

Respectfully submitted,

BSK Associates


Cristiano Melo, PE, GE
Livermore Branch Manager


Omar K. Khan
Project Geologist

CC: Kurt Gardner, HERWIT Engineering (kgardner@herwit.com)

¹ \$90,752 (original contract amount) + \$10,054 (Change Order #1 – Services associated with the Aerobic Digester Slope Repair).

Breakdown of Estimated Charges for this Amendment

FIELD SERVICES	VISITS	HRS/DAY	HOURS	RATE	EXTENSION
Earthwork					
Foundation Inspection & Compaction Testing ¹	19	4	76	\$171.00	\$12,996.00
Pipe Backfill Testing and Observation ²	8	6	48	\$129.00	\$6,192.00
Nuclear Gauge Equipment Fee	27			\$61.00	\$1,647.00
Concrete					
Concrete Placement Sampling ³	7	4	28	\$112.00	\$3,136.00
Concrete Placement Sampling ⁴	11	8	88	\$112.00	\$9,856.00
Sample Pickup and Delivery	18	2	36	\$108.00	\$3,888.00
Shotcrete					
Shotcrete Placement Sampling ⁵	7	8	56	\$112.00	\$6,272.00
Pre-construction Test Panel Observation (Dependent on Number of Nozzlemen)	2	8	16	\$142.00	\$2,272.00
Sample Pickup and Delivery	7	2	14	\$142.00	\$1,988.00
Trip Charge (Vehicle & Mileage)	79			\$53.00	\$4,187.00
FIELD SERVICES ESTIMATE					\$52,434.00

LABORATORY TESTING	FREQUENCY	SETS/UNITS	RATE	EXTENSION
Laboratory Testing				
Concrete Compressive Strength Test (Set of 4)	1 Set / 150 CY	40	\$141.00	\$5,640.00
Shotcrete Compressive Strength Tests	1 panel / day	7	\$330.00	\$2,310.00
Compaction Curves - Base Rock (6" Mold)	1 per material	2	\$259.00	\$518.00
Compaction Curves - Site Soils (4" Mold)	1 per material	2	\$244.00	\$488.00
LABORATORY TESTING ESTIMATE				\$8,956.00

BSK SERVICES ADMINISTRATION	HOURS	RATE	EXTENSION
Registered Engineer (Review, support and reporting)	8	\$248.00	\$1,984.00
	6	\$221.00	\$1,326.00
Project Manager (Field Oversight, Daily Report Review)	20	\$171.00	\$3,420.00
Administration (Data Processing, Report Prep., Field Coordination)	20	\$86.00	\$1,720.00
Certified Payroll / DIR Upload	11	\$300.00	\$3,300.00
Non-Performance Certified Payroll / DIR Upload	4	\$100.00	\$400.00
Final Construction Observation/Testing Letter	1	\$248.00	\$248.00
	1	\$221.00	\$221.00
	6	\$171.00	\$1,026.00
ADMINISTRATION ESTIMATE			\$13,645.00
TOTAL BUDGET ESTIMATE			\$75,035.00

Notes:

Estimated number of visits shown below based on BSK's discussion with HERWIT Engineering on 3/25/2022.

1. Anoxic Basin #2 (2 visits), Anoxic Basin #3 (2 visits), Mixed Liquor Recycle Pump Station #2 (2 visits), Mixed Liquor Recycle Pump Station #3 (2 visits), Oxidation Ditch #2 (3 visits), Oxidation Ditch #3 (3 visits), pavement subgrade & AB (5 visits)
2. Pipeline trench backfill (8 visits)
3. Mixed Liquor Recycle Pump Station #2 (2 visits), Mixed Liquor Recycle Pump Station #3 (2 visits), Oxidation Ditch #2 (1 visit), Oxidation Ditch #3 (1 visit), Concrete Driveway (1 visit)
4. Anoxic Basin #2 (4 visits), Oxidation Ditch #4 (7 visits)
5. Shotcrete for Oxidation Ditch #4 (7 visits)



CHANGE ORDER NO 1

Geotechnical Services During Construction of Denitrification Project
Contract Dated June 4, 2021

Consultant
BSK Associates
399 Lindbergh Ave
Livermore, CA 94551

<u>Description of Changes:</u>	<u>Cost (Credit):</u>
1 Provide observation of digester slope repair As per estimate dated 12/1/2021 attached	\$8,554
2 Contingencies	\$1,500

See attached documentation for description of work only.

Change Order Total	\$10,054
Original Contract Amount	\$90,752
Change Order #1	\$10,054
Revised Contract Amount	<u>\$100,806</u>

Number of days added to contract time
as a result of this Change Order 0

Accepted:



BSK

Approved:

Dina Breitstein

Town of Discovery Bay

Cristiano Melo

Print Name

12/6/2021

Date

Dina Breitstein

Print Name

12/6/2021

Date

Mike Yeraka

From: kgardner@herwit.com
Sent: Thursday, December 2, 2021 10:40 AM
To: Mike Yeraka
Subject: FW: BSK Estimate (Emergency Repairs of the Aerobic Digester Slopes - Discovery Bay WWTP)

Mike,

Based on the time they have already sent and the inspection left, this seemed reasonable to us.

If you agree, is this adequate for the Town to issue a change order to BSK, or do you need any additional info.

Kurt

From: Cristiano Melo <cmelo@bskassociates.com>
Sent: Wednesday, December 1, 2021 3:43 PM
To: Kurt Gardner (kgardner@herwit.com) <kgardner@herwit.com>; Gregory Harris (Gharris@herwit.com) <gharris@herwit.com>
Subject: BSK Estimate (Emergency Repairs of the Aerobic Digester Slopes - Discovery Bay WWTP)

Hello, Kurt and Gregory,





Below is my estimate for BSK's services associated with the emergency repairs of the Aerobic Digester slopes. I suggest adding a 10% or 20% contingency (about \$900 to \$1,700) to this estimate just in case the contractor takes longer than 3 weeks to finish the repairs. Note that BSK's charges will be applied on a T&M basis using our fee schedule for the project. Per my previous communication, BSK will not be running any laboratory tests or taking any compaction testing of the fill placed by the contractor to repair the slopes.

Field Services	Estimated Hours	Rate	Estimate Charges
Group 3 Engineering Technician	40	\$ 129.00	\$ 5,160.00
Principal	3	\$ 248.00	\$ 744.00
Trip Charge	8	\$ 53.00	\$ 424.00
		Subtotal	\$ 6,328.00
Administration & Consultation	Estimated Hours	Rate	Estimate Charges
Principal	5	\$ 248.00	\$ 1,240.00
Project Professional II	2	\$ 171.00	\$ 342.00
Administrative Assistant	4	\$ 86.00	\$ 344.00
Certified Payroll /DIR Upload	1	\$ 300.00	\$ 300.00
		Subtotal	\$ 2,226.00
		Total	\$ 8,554.00
Assumptions:			
1. Emergency repairs to the Aerobic Digester slopes will be completed over a period of 3 weeks.			
2. First two visits by BSK will last 8 hours each (including travel) and will be conducted on the first 2 or 3 days of the repair operation. Afterwards, our representative will visit the site twice a week for about 4 to 6 hours a visit (including travel).			

Cristiano Melo, PE, GE
 Livermore Branch Manager
BSK Associates
 399 Lindbergh Avenue, Livermore, CA 94551
 P: 925.315.3151 x110
 C: 925.765.9483



Environmental, Geotechnical, Construction Services, Analytical Testing - **An Employee-Owned Company**

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