



# 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 October 5, 2022, 7:00 P.M.**

**NOTICE**  
**Coronavirus COVID-19**

In response to the current proclaimed State of Emergency, indoor masking recommendations, and recommended measures to promote social distancing imposed by State and local officials, 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 (if available) 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/4811226914118351120>

Webinar ID#: 337-492-019

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 (415) 655-0052 ID# 904-903-000

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 September 21, 2022.
2. Approve Register of District Invoices.
3. Approve Resolution 2022-34 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~~ (Assignment by Con Fire Pending)

**E. PRESENTATIONS**

**F. DISCUSSION AND POSSIBLE ACTION**

1. Discussion and Possible Action to Accept Capacity Fee Charge Report for Fiscal Year 2021-22.
2. Discussion and Possible Action to Approve Reimbursement Disclosure Report – Gov. Code 53065.5
3. Discussion and Possible Action to Approve an Employment Contract with Michael R. Davies to Provide Services on an As-Needed Basis During the Period of October 16, 2022, through June 30, 2023, and Authorize Board President to Sign the Agreement on Behalf of the District.

**G. MANAGER'S REPORT**

**H. GENERAL MANAGER'S REPORT**

**I. DIRECTOR REPORTS**

**J. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS**

1. Contra Costa County Fire Protection District Advisory Fire Commission Meeting– September 12, 2022 (President Kevin Graves).
2. Contra Costa County Aviation Advisory Committee Meeting– September 14, 2022 (President Kevin Graves).
3. Liberty Union High School District Board Meeting- September 21, 2022 (President Kevin Graves).

**K. CORRESPONDENCE RECEIVED**

1. Delta Stewardship Council – Proposed Amendment to Existing Regulation.

**L. MUNICIPAL ADVISORY COUNCIL**

1. Discussion and Possible Action Regarding Municipal Advisory Committee Agency Comment Request- County File #CDLP22-02055.

**M. FUTURE AGENDA ITEMS**

**N. ADJOURNMENT**

1. Adjourn to the next Regular Meeting of the Board of Directors on October 19, 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."

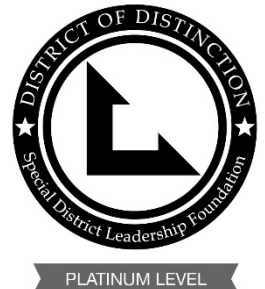
"Materials related to an item on the Agenda submitted to the Town of Discovery Bay after distribution of the agenda packet are available for public inspection in the District Office located at 1800 Willow Lake Road during normal business hours."



# 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

### MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY Wednesday September 21, 2022, 7:00 P.M.

#### REGULAR MEETING 7:00 P.M.

##### A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Meeting called to order 7:00 p.m.
2. Pledge of Allegiance led by Parks and Landscape Manager Bill Engleman.
3. Roll Call was taken, and all members were present.

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

None.

##### C. CONSENT CALENDAR

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

1. Approve Regular Board of Directors DRAFT Meeting minutes from September 7, 2022.
2. Approve Register of District Invoices.
3. Approve Resolution 2022-32 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.

Vice President Porter made a Motion to Approve the Consent Calendar.

Director Graham seconded.

Vote: Motion carried – AYES: 5, NOES 0, ABSTAINED 0, ABSENT 0.

##### D. AREA AGENCIES AND LIAISON REPORTS / PRESENTATIONS

None.

##### E. PRESENTATIONS

1. Veolia Presentation.

Presented by Anthony Harper, Veolia.

- OSHA made a surprise visit to Veolia while they were onsite observing our contractors. There were no write ups for Veolia.

##### F. DISCUSSION AND POSSIBLE ACTION

1. Discussion and Possible Action Regarding Approval to Place a Holiday Tree at the Community Center.

Presented by General Manager, Dina Breitstein.

- Community group purchased a 20-foot tree that they would like to place at the Community Center. Community group are owners of the tree and will maintain and insure the tree.

Director Graham made a Motion to Approve Staff's recommendation to Place a Holiday Tree at the Community Center.

Director Callahan seconded.

Vote: Motion carried – AYES: 5, NOES 0, ABSTAINED 0, ABSENT 0.

2. Discussion and Possible Action to Approve Funding for the Community Center Grounds Improvement Project.

Presented by Parks and Recreation Supervisor Monica Gallo.

- Staff would like to make improvements to the NE corner of the Community Center. Proposed putting in a shade structure and include musical instruments for children. The other side would have concrete with shade and seating to be used for special events, movies in the park, and future outdoor Board meetings.
- Project cost is \$107,000.00 with a 20% contingency and not to exceed total of \$128,400.00
- Project will be paid for by Community Center donations, Water/Wastewater, and Hoffman settlement monies.

Vice President Porter made a Motion to Approve Staff's recommendation to Approve Funding for the Community Center Grounds Improvement Project.

Director Gutow seconded.

Vote: Motion carried – AYES: 5, NOES 0, ABSTAINED 0, ABSENT 0.

4. Discussion and Possible Action to Approve Resolution 2022-33 Establishing a Policy for Discovery Bay Recreation and Sports, Inc. Priority Use of the Community Center Pickleball Courts.

Presented by General Manager Dina Breitstein.

- Staff recommends extending the Resolution for another 2 years with the same limited terms, priorities, and use conditions of Resolution 2020-24.
- President Graves asked for clarification as to whether the terms remained the same on the Resolution with the exception of the dates changing.
- President Graves discussed making the current Resolution a permanent Resolution rather than another 2-year extension.

President Graves made a Motion to Approve Staff's recommendation to Approve Resolution 2022-33 Establishing a Policy for Discovery Bay Recreation and Sports, Inc. Priority Use of the Community Center Pickleball Courts with a revision to make it a permanent Resolution.

Director Gutow seconded.

Vote: Motion carried – AYES: 5, NOES 0, ABSTAINED 0, ABSENT 0.

## **G. MANAGER'S REPORT**

Presented by Parks and Recreation Supervisor Monica Gallo.

- The pool will officially close October 28, 2022. It was noted that the season has never been extended this late.

Presented by Finance Manager Julie Carter.

- The 2012 Bond refunding is complete. The District will see a savings of \$975,000 over 20 years.

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

Presented by General Manager Dina Breitstein.

- The Chamber Mixer will be held at the Community Center on September 27, 2022, at 5:30p.m.
- There was a Sanitary Sewer Overflow on September 14, 2022. Town staff immediately responded in accordance with its internal operation procedures for sewer overflows and coordinated repair efforts with Veolia. All relevant local, state, and federal agencies have been contacted including the County Office of Emergency Services, California Department of Fish and Wildlife, and United States Coast Guard. All of the contacted agencies are pleased with the Town's rapid response and will continue to monitor the event until all repairs have been completed. The Town will work with local, state and federal agencies to ensure the public remains informed on the matter.

## **I. DIRECTOR REPORTS**

## **J. DIRECTORS REGIONAL MEETING AND TRAINING REPORTS**

## **K. CORRESPONDENCE RECEIVED**

## **L. MUNICIPAL ADVISORY COUNCIL**

## **M. FUTURE AGENDA ITEMS**

## **N. ADJOURNMENT**

1. Meeting adjourned at 7:36p.m. to the next Regular Meeting of the Board of Directors on October 5, 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."

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# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

Meeting Date

October 5, 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** \$ 131,075.37

**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 2022/2023

AGENDA ITEM: C-2

**Request for Authorization to Pay Invoices**  
**For The Meeting On October 5, 2022**  
**Town of Discovery Bay CSD**  
**Fiscal Year 7/22 - 6/23**

Town of Discovery Bay CSD	\$43,425.89
Luhdorff & Scalmanini	\$26,801.50
J.W. Backhoe & Construction, Inc.	\$25,603.41
Robert Half	\$6,490.00
San Joaquin County Office Of Ed	\$5,000.00
BSK Associates	\$4,250.75
MISCOwater	\$3,581.81
Freedom Mailing Service, Inc	\$3,549.36
Janitorial Plus	\$3,190.00
Univar Solutions USA Inc.	\$2,167.84
Discovery Bay Community Foundation	\$1,900.00
Lincoln Aquatics	\$720.66
Delta Pest Services	\$700.00
National Aquatic Services, Inc.	\$663.89
Ricoh USA, Inc	\$659.57
City Of Brentwood	\$628.50
ODP Office Solutions, LLC	\$374.25
Watersavers Irrigation Inc.	\$346.78
Bob Murray & Associates	\$225.63
UniFirst Corporation	\$188.96
Discovery Pest Control	\$143.44
Belkorp AG	\$137.88
Upper Case Printing, Inc.	\$115.92
Cintas	\$81.41
Water Utility Customer	\$72.54
Dina Breitstein	\$30.36
Verizon Wireless	\$25.02

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**\$131,075.37**



**TOWN OF DISCOVERY BAY  
COMMUNITY SERVICES DISTRICT  
RESOLUTION 2022-34**

**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 Contra Costa County Health Officer, through guidance and current health orders, strongly encourages indoor masking for everyone, regardless of vaccination status, recommends measures for social distancing when individuals have been exposed to COVID-19, and also acknowledges that close contact to other persons increases risk of transmission.

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.

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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 October 5, 2022, by the following vote of the Board:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Dina Breitstein  
Board Secretary



# Town of Discovery Bay

*“A Community Services District”*

## STAFF REPORT

**Meeting Date**  
October 5, 2022

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

**Agenda Title**

Discussion and Possible Action to Accept Capacity Fee Charge Report for Fiscal Year 2021-22.

**Recommended Action**

Accept the Capacity Fee Charge Report for Fiscal Year 2021-22.

**Capacity Fee Charge Report**

Each year, the District is required to prepare a Capacity and Connection Accounting Report that shows fees collected during the fiscal year. The report is due within 180 days of the end of the fiscal year. The report identifies those charges deposited into the District’s Capacity and Connection Account, the total balance in the Account, how and when the charges were expended, and a description of all improvements completed or to be completed with the Capacity and Connection Account funds. As of June 30, 2022, the balance of the Capacity and Connection Account is \$ 1,855,881.07.

Water & Wastewater Account Balance June 30, 2021:	\$4,837,379.33
Water & Wastewater Capacity & Connection Fees Collected FY 21/22:	\$ 17,080.00
Less: Wastewater Expenditure (Denitrification Project):	(\$2,998,578.26)
Interest Earned	0.00
Water & Wastewater Account Balance June 30, 2022:	<u>\$1,855,881.07</u>

Water and Wastewater Capacity and Connection Fee Account is comprised of charges collected for water and wastewater facilities in existence at the time the charge is imposed and also for new water and wastewater facilities to be acquired or constructed in the future. Charges are equivalent to the proportional benefit to the person or property being charged. The charges are collected and used to construct improvements as needed in any individual water or wastewater system owned by the Town of Discovery Bay.

For FY 2021-22, water capacity and connection fees in the amount of \$4,950.00 and wastewater capacity and connection fees in the amount of \$12,130.00 were collected. An additional \$420.00 has also been collected to account for administrative, inspection fees and charges.

During FY 2021-22, \$2,998,578.26 of the Wastewater Capacity and Connection Account was spent on the Denitrification Project, which represents approximately 15% of the \$20M Denitrification Project Budget. It should be noted, that after this expenditure on the Denitrification Project, the balance of the Capacity and Connection Account for the Wastewater Fund is \$0. There were no interfund loans made.

There are water projects that will be moving forward in the future, which will require the expenditure of funds. The projects are included in the Town’s Five-Year Capital Improvement Program.

**Fiscal Impact:**

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

**Previous Relevant Board Actions for This Item**

This is an annual action of the Board.

**Attachments**

Capacity Fees Collected for FY 2021-22

AGENDA ITEM: F1

**Capacity and Connection Fees Received FY 2021-22**

Customer	Admin/Inspection Fees	Water		Wastewater	
		Connection Fee - Water	Capacity Fee- Water	Connection Fee - Wastewater	Capacity Fee- Wastewater
T. Oleson	320	100	4,850	100	12,030
Contra Costa County	100				
<b>Total</b>	<b>\$ 420</b>	<b>\$ 100</b>	<b>\$ 4,850</b>	<b>\$ 100</b>	<b>\$ 12,030</b>
<b>Subtotal by Fund Connection &amp; Capacity Fees</b>		<b>\$</b>	<b>4,950</b>	<b>\$</b>	<b>12,130</b>
<b>Grandtotal Connection &amp; Capacity Fees</b>				<b>\$</b>	<b>17,080</b>



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

**Meeting Date**

October 5, 2022

**Prepared By:** Lesley Marable, Accountant  
**Submitted By:** Dina Breitstein, General Manager

**Agenda Title**

Approve Annual Disclosure pursuant to California Government Code Section 53065.5.

**Recommended Action**

Receive and File (No Action Necessary).

**Executive Summary**

California Government Code Section 53065.5 requires special districts to disclose the following:

53065.5. Each special district, as defined by subdivision (a) of Section 56036, shall, at least annually, disclose any reimbursement paid by the district within the immediately preceding fiscal year of at least one hundred dollars (\$100) for each individual charge for services or product received. "Individual charge" includes, but is not limited to, one meal, lodging for one day, transportation, or a registration fee paid to any employee or member of the governing body of the district. The disclosure requirement shall be fulfilled by including the reimbursement information in a document published or printed at least annually by a date determined by that district and shall be made available for public inspection.

Subsequently, the attached list of reimbursements for the FY ending June 30, 2022 complies with Government Code Section 53065.5.

This is an annual disclosure.

**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**

N/A

**Attachments**

Reimbursements for the FY ending June 30, 2022

AGENDA ITEM: F2

**Annual Compliance Report for FY 2021/2022  
Government Code Section 53065.5**

<b>Date</b>	<b>Name</b>	<b>Reason</b>	<b>Reimbursement Amount</b>
09/23/21	Luis Mora	Medical Test	\$249.00
02/25/22	Cory Cardwell	D.O.T. Physical	\$100.00



# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

**Meeting Date**

October 5, 2022

**Prepared By:** Dina Breitstein, General Manager

**Submitted By:** Dina Breitstein, General Manager

### Agenda Title

Discussion and Possible Action to Approve an Employment Contract with Michael R. Davies to Provide Services on an As-Needed Basis During the Period of October 16, 2022, through June 30, 2023, and Authorize Board President to Sign the Agreement on Behalf of the District.

### Recommended Action

Approve an Employment Contract with Michael R. Davies to Provide Services on an As-Needed Basis During the Period of October 16, 2022, through June 30, 2023, and Authorize Board President to Sign the Agreement on Behalf of the District.

### Executive Summary

Michael R. Davies ("Davies") served as the District's General Manager from January 3, 2017, until his retirement on October 2, 2021. Davies has served the District as Interim Assistant General Manager since October 3, 2021, and is scheduled to conclude full-time employment with the District upon the effective hire date of the incoming Assistant General Manager on October 17, 2022.

Davies is agreeable to providing the District with transition services, institutional knowledge, training of the new Assistant General Manager, and working on special projects as assigned. Employment would be as an hourly part-time employee on an as-needed-basis determined by the General Manager. Term of employment would commence October 16, 2022 through June 30, 2023. Sufficient funds exist in the personnel budget to fund the employment contract.

### Previous Relevant Board Actions for This Item

### Attachments

Draft Michael R. Davies Employment Contract

**AGENDA ITEM: F3**

**EMPLOYMENT AGREEMENT  
BETWEEN MICHAEL R. DAVIES AND THE  
TOWN OF DISCOVERY BAY COMMUNITY SERVICES DISTRICT**

This Employment Agreement (“Agreement”) between Michael Davies (“Employee”) and Town of Discovery Bay Community Services District, a Community Services District organized under the laws of the State of California (“Employer” or “District”), is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2022.

**Recitals**

WHEREAS, Employee was first employed by the District January 3, 2017; and

WHEREAS, Employee has served the District as both the General Manager and Interim Assistant General Manager for nearly 6 years; and

WHEREAS, Employee’s date of separation from District is October 15, 2022; and

WHEREAS, District wishes to engage the post-retirement services of Employee as a Part-Time Employee to provide transition services and institutional knowledge to the General Manager and the Assistant General Manager on an hourly basis; and

WHEREAS, Employee desires to accept employment as a Part-Time Employee with the duty of providing transition services and institutional knowledge on an hourly basis; and

WHEREAS, in consideration of the mutual covenants and conditions contained in this Agreement, the parties agree as follows:

I. Term.

A. The term of this Agreement shall be effective October 16, 2022 through June 30, 2023 (“Employment Term”), subject to the termination and resignation provisions of this Agreement. The Employment Term may be extended by mutual written agreement of the parties.

B. Both the District and the Employee understand that the Employee’s employment is at the will of both parties. Thus, Employee serves at the pleasure of the District subject to termination with or without cause and with or without notice.

C. Nothing in this Agreement shall be deemed to interfere with the right of Employee to resign at any time subject to the resignation and notice provisions of this Agreement.



II. Duties.

A. Employee is employed, on an as-needed-basis, to perform duties associated with assisting, guiding, advising, training, and informing the Assistant General Manager and the General Manager, and to others as may be designated, on all matters as may be assigned that are associated with conducting the business of the District. In that capacity, Employee shall adhere to all applicable laws, rules and regulations and to the policies and directions theretofore and from time to time established by the District, including the District's employee handbook.

B. Other Employment. During the term, Employee may engage in other employment or provide services to other parties provided that Employee shall not engage in any activity which is or may become a conflict of interest or which may create an incompatibility of duties.

III. Compensation and Benefits.

A. Compensation. Upon Effective Date, District agrees to pay Employee for his services rendered hereunder at an hourly rate of \$66.62 per hour. Employee shall submit, on a form and in a manner acceptable to the District, the date, time and number of hours worked for each pay-period in which work was performed pursuant to this Agreement. Wages earned are paid bi-weekly in accordance with District's normal pay schedule and are subject to usual and normal withholdings.

B. Hours worked shall be as assigned by the General Manager or his/her designee. In no event shall the hours worked exceed 29 hours in a single work week. Hours are not set to any particular workday or work hours. Employee's hours are not set to any particular schedule, workday or work hours. Employee may be called upon at any time and will respond within a reasonable time.

C. Benefits. Employee shall be considered a part-time employee entitled to only those benefits as described in the personnel manual for part-time employees. Employee shall be allowed to carry on the books any accrued unused sick leave existing at the time of Effective Date.

IV. Reimbursement of General Business Expenses.

A. District shall reimburse Employee for his actual and necessary expenses incurred in the performance of assigned duties, including travel expenses. Pre-approval of the

expense must be obtained in writing. This does not include travel in Employee's personal vehicle to locations within ten (10) miles of the District's boundaries.

V. At-Will Employee.

A. Employee serves at the pleasure of the District and nothing herein shall be taken to prevent, limit, or otherwise interfere with the right of the District to terminate the services of Employee with or without cause and with or without advance notice. There is no express or implied promise made to Employee for any form of continued employment. This Agreement is the sole and exclusive basis for an employment relationship between Employee and District.

B. Similarly, Employee may terminate this Agreement at any time, with or without cause and with or without advance notice. When possible, the District requests that Employee provide Thirty (30) days advance notice of his intent to resign.]

C. The District's most current Personnel Manual shall apply to Employee's employment during the term of this Agreement except for those provisions outlined in this Agreement which shall supersede the Personnel Manual.

D. Upon termination of Employee's employment, whether by the District, by Employee, or at the end of the Employment Term, Employee shall not be entitled to any severance pay or continuation of any benefit(s), unless required by law.

VI. Workers' Compensation.

A. Pursuant to the State of California Labor Code, sections 3700, et seq., the District shall secure workers' compensation insurance for Employee.

VII. Notices.

A. All notices, request, demands, consents and other communication hereunder shall be transmitted in writing and shall be deemed to have been given at the time of delivery if given in person or within twenty-four (24) hours after being sent by certified mail, postage prepaid, return receipt requested and addressed as follows:

GENERAL MANAGER: Dina Breitstein  
Town of Discovery Bay CSD  
1800 Willow Lake Road  
Discovery Bay, CA 94505

MICHAEL R. DAVIES: Mr. Michael R. Davies  
(Home Address on File with District)

VIII. Interpretation.

A. This Agreement shall be construed without regard to any presumption or rule requiring construction or interpretation against the party drafting an instrument or causing any instrument to be drafted.

IX. Assignment.

A. This Agreement is not assignable by the District or the Employee.

X. Severability.

A. In the event that any provision of this Agreement has been finally held or determined to be illegal or void by a court having jurisdiction over the parties, the remainder of this Agreement shall remain in full force and effect unless the parts found to be void are wholly inseparable from the remaining portion of the Agreement.

XI. Governing Law.

This Agreement shall be governed by and construed in accordance with the internal laws of the State of California without giving effect to any choice or conflict of law provision or rule whether of the State of California or any other jurisdiction.

XII. Entire Agreement/Amendments

A. This Agreement supersedes any and all other agreements, whether oral or in writing, between the District and Employee with respect to Employee's employment hereunder. Any modification of this Agreement shall be effective only if embodied in a fully executed written amendment signed by both Employee and the District.

B. Employee and District acknowledge that each party has reviewed, negotiated, and had an opportunity to discuss with counsel this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any document executed and delivered by any party in connection with transactions contemplated by this Agreement.

**\*\*\*Signatures on Following Page\*\*\***

IN WITNESS WHEREOF, the Town of Discovery Bay has caused this Agreement to be signed and executed on its behalf by its President of the District Board and duly attested by its Clerk, and Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

ATTEST:

"EMPLOYER"  
TOWN OF DISCOVERY BAY

\_\_\_\_\_  
Clerk

By: \_\_\_\_\_  
Kevin Graves  
President of the Board

APPROVED AS TO FORM:

"EMPLOYEE"

\_\_\_\_\_  
Andy Pinasco  
Attorney for Employer

\_\_\_\_\_  
Michael R. Davies

# CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT ADVISORY FIRE COMMISSION

4005 Port Chicago Highway, Suite 250, Concord, CA 94520

## AGENDA

### SPECIAL MEETING

MONDAY

September 12, 2022

7:00 PM

### *VIRTUAL MEETING ONLY*

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#### CORONA VIRUS (COVID-19) ADVISORY INFORMATION

As permitted by Government Code section 54953 (e), and in accordance with the Public Health Officer's recommendations for virtual meetings and social distancing, Contra Costa County Fire Protection District Advisory Fire Commission members may participate in the meeting remotely. The meeting will be accessible, via Zoom teleconference or videoconference, to all members of the public. Persons who wish to provide public comment may do so during the Public Comments portion of the meeting.

If you would like to watch the meeting or speak on an agenda item, you can access the meeting remotely from a PC, Mac, iPad, iPhone, or Android device.

**Please use this URL:**

<https://cccfd.zoom.us/j/87543292716?pwd=RmNlTS96d0xWUjN1M1JETkpCTXUzQT09>

Meeting ID: 875 4329 2716      Passcode: 912913

**Or join by phone:**

Dial: 1 253 215 8782 US      Meeting ID: 875 4329 2716      Passcode: 912913

- 
- I. Call to Order / Roll Call
  - II. Public Comments (non-Agenda items) – *Three-minute time limit per comment.*
  - III. Hearing on Abatement Orders
  - IV. Next Regular Meeting Date and Time – October 10, 2022, 7 p.m.

*Assistance for Persons with Disabilities: The Contra Costa County Fire Protection District Advisory Fire Commission (CCCFDAFC) will provide reasonable accommodations for persons with disabilities planning to attend CCCFDAFC meetings who contact the Executive Secretary at least 24 hours before the meeting at (925) 941-3300, extension 1200.*

*Any disclosable public records related to an open session item on a regular meeting agenda and distributed by Fire District staff to a majority of members of the CCCFDAFC less than 72 hours prior to that meeting are available for public inspection at 4005 Port Chicago Highway, Suite 250, Concord, CA 94520 during normal business hours.*



# Agenda

## AIRPORTS COMMITTEE

September 14, 2022  
11:00 A.M.

Join Zoom Meeting  
<https://us06web.zoom.us/j/83582907618?pwd=L2lLeXd1NzI5dnhkZDZKUXZhbnRqZz09>

Dial+1 669 444 9171 US  
Meeting ID: 835 8290 7618  
Passcode: 901404

To slow the spread of COVID-19, in lieu of a public gathering, the meeting will be accessible via Zoom to all members of the public as permitted by Government Code section 54953(e).

Supervisor Karen Mitchoff, Chair  
Supervisor Diane Burgis, Vice Chair

### Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. Interview Candidates for the AAC Airport Neighbor (Byron) position and determine recommendation for the Board of Supervisors consideration.
4. Interview Candidates for the AAC Member-at-Large position and determine recommendation for the Board of Supervisors consideration
5. Review and Approve record of Meeting for March 9, 2022 (Chair)
6. Receive Update from the Aviation Advisory Committee Chair (Emily Barnett)
7. Update on Bay Area Test Site (BATS) activity, Buchanan Field and Byron Airport
8. Discuss Byron Development Potential & Constraints (water, sewer, storm water quality)
9. Update on Airports Current Project Development Projects
  - a. Discuss Proposed Development of 4.1-acre phase 1 Aeronautical use, Byron Airport
  - b. Discuss 4.6 Acre Self Storage Project Buchanan Field
  - c. Discuss Con Fire Station 9 Relocation to Airport Property Buchanan Field
  - d. Discuss Development of 16-acres non-aeronautical use Buchanan Field
  - e. Discuss 0.86-acre Development at Buchanan Field
10. Discuss Terminal/ARFF Building Development, Buchanan Field
11. Discuss Airfield Security Upgrade Project, Buchanan Field

12. Update on Airport Safety Officer Recruitment, Buchanan Field and Byron Airports
13. Future Agenda Items
14. The Next Meeting is Currently Scheduled for December 14, 2022
15. Adjourn

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*The Airports Committee will provide reasonable accommodations for persons with disabilities planning to attend Airports Committee meetings. Contact the staff person listed below at least 96 hours before the meeting.*

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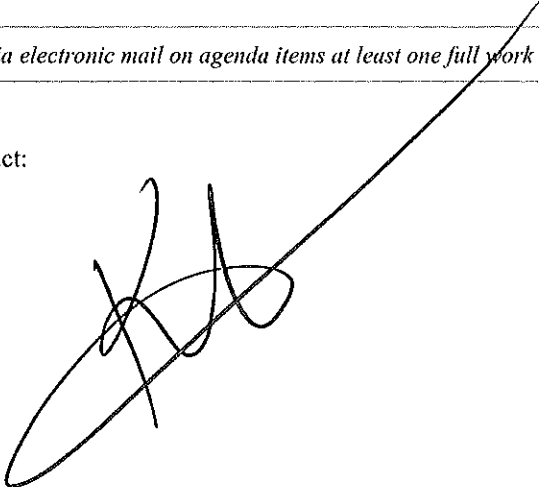
*Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Airports Committee less than 96 hours prior to that meeting are available for public inspection at 550 Sally Ride Drive, Concord, during normal business hours.*

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*Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

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For Additional Information Contact:



Greg Baer, Airports Director  
Phone (925) 681-4200, Fax (925) 646-5731  
Greg.Baer@airport.cccounty.us



Liberty Union High School District

**Wednesday, September 21, 2022**

**LUHSD Regular Board Meeting. Liberty Union High School District, located at 20 Oak Street, Brentwood, CA 94513. A link to the live video conference will be available below with the "video" icon at the start of the meeting on the day of the Board Meeting. Persons wishing to make a Public Comment have two options: Appear in-person to address the Board or submit a public comment by email to [BoardComments@luhsd.net](mailto:BoardComments@luhsd.net) prior to 2:00 PM on the day of the meeting. Emailed public comments will be read aloud as time allows.**

**Liberty Union High School District  
20 Oak Street  
Brentwood, CA 94513**

### **1. NOTICES**

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1.01 PUBLIC RECORDS NOTICE: Any writings or documents that are public records and are provided to a majority of the governing board regarding an open session item on this agenda will be made available for public inspection in the District Office located at 20 Oak Street, Brentwood, California during normal business hours.

1.02 AMERICANS with DISABILITIES ACT NOTICE: In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids, or services, in order to access the Board meeting room, access written documents being discussed at the Board meeting, or to otherwise participate in the public meetings of the District's governing board, please contact the office of the Superintendent at (925) 634-2166 x2025. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Please turn off any electronic paging device or cell phone.

1.03 TITLE IX: The Liberty Union High School District does not discriminate on the basis of race, color, national origin, sex, or disability.

### **2. CALL TO ORDER - 5:30 PM**

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2.01 Roll Call

### **3. SPECIAL SESSIONS**

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3.01 GENERAL PUBLIC COMMENT ON ANY CLOSED SESSION ITEM: An information sheet with procedures for public input is available on the table near the entrance to the Board Room. The Board may limit public comments to 5 minutes per speaker and 30 minutes total per subject pursuant to Board Policy 9323. The Board values all input from the public; however, the practice is to not respond immediately to public comments. An additional opportunity is provided later in the agenda for public comment on remaining agenda items or non-agenda items and comments during public hearing(s).

3.02 Public Comments

3.03 Closed Session

### **4. OPENING PROCEDURES - 7:00 PM**

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4.01 Call to Order

4.02 Roll Call

4.03 Report Out of Closed Session



4.04 Pledge of Allegiance

4.05 The public is welcomed and encouraged to address the Liberty Union High School Board of Trustees. An information sheet with procedures for public input is available on the table near the entrance to the Board Room. The Board may limit public comments to 5 minutes per speaker and 30 minutes total per subject pursuant to Board Policy 9323. The Board values all input from the public; however, the practice is to not respond immediately to public comments.

4.06 Consider Agenda

4.07 Consider Approval of Regular Board Meeting Minutes of September 7, 2022

**5. COMMUNICATIONS**

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5.01 Public Comments

5.02 Student Board Representatives

5.03 Staff Comments

5.04 Superintendent's Report

5.05 Board Comments

**6. RECOGNITIONS**

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6.01 Recognition of Independence High School Leadership Students

**7. PRESENTATIONS**

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7.01 Presentation of the Liberty Union High School District Community Service for 2022-23

**8. CONSENT AGENDA**

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8.01 Consider Approval of the Personnel Report No. 09 21 2022

8.02 Consider Approval of Salary for Certificated and Classified Substitutes

8.03 Consider Approval for Liberty High School's Cross Country team to travel to Walnut, California

8.04 Consider Request for Permanent Exemption for Graduation Requirements

8.05 Consider Approval for Contract with Infinity Communications and Consulting, Inc.

8.06 Consider Approval of a Short Form Service Contract with Josefina Aguilar for Translating Services

8.07 Consider Declaration of Surplus - Technology

8.08 Consider Approval of the revised 2021-22 Unaudited Actuals

8.09 Consider Approval of the Notice of Completion for the Liberty High School Temporary Portable Classrooms and Restrooms - Demo, Grading and Paving Scope of Work

8.10 Consider Approval of the Notice of Completion for the Liberty High School Temporary Portable Classrooms and Restrooms - Electrical Scope of Work

8.11 Consider Approval of Change Order #01 from R.D. Morgan Construction, Inc. for the Liberty High School Portable Classrooms and Restrooms - Demo, Grading and Paving Scope of Work

8.12 Consider Action of 2022-23 Interdistrict Transfer Requests as recommended by the Superintendent

**9. ADMINISTRATIVE ACTION**

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9.01 Consider Approval of MOU with LEA, CSEA, Confidential Supervisory and Administrative Employee Groups to Pay a One-Time, Off Salary Schedule, Payment Equal to 1% of Each Individual's Base Salary as well as increase the medical benefits to cover the difference in the increase of 2023 Kaiser rates.

9.02 Consider Approval of the Lowest Responsible Bidder, Arntz Builders, Inc. for the construction of the Liberty High School New Classroom Buildings

9.03 Consider Approval of Contract for Chief Business Officer

9.04 Consider Approval of Dina Stewart as signer on LUHSD Bank Accounts

9.05 Consider Approval of Acceptance of Purchase and Sale Agreement for Kellogg Property in Byron, CA

**10. DISCUSSION**

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10.01 The Board will have the opportunity to discuss topics for future agendas.

**11. SPECIAL SESSION(S) CONTINUED**

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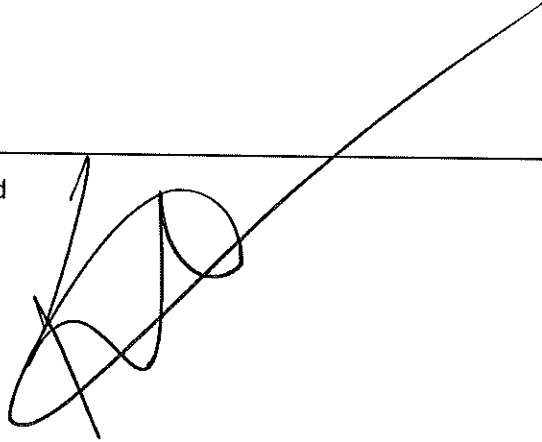
11.01 Closed Session

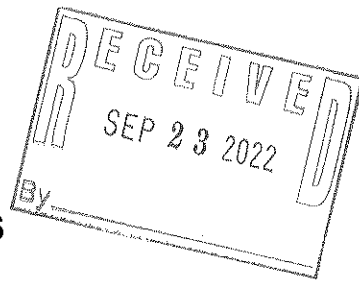
11.02 Open Session

**12. ADJOURNMENT**

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12.01 Meeting Adjourned

A large, stylized handwritten signature in black ink, written over the horizontal line separating section 12 from the rest of the page. The signature is cursive and somewhat abstract, with several loops and a long, sweeping stroke that extends upwards and to the right.



**California Code of Regulations, Title 23. Waters  
Division 6. Delta Stewardship Council  
Chapter 2. Consistency with Regulatory Policies Contained in the  
Delta Plan  
Article 1. Definitions, Section 5001. Definitions  
and  
Article 3. Consistency with the Regulatory Policies Contained in  
the Delta Plan, Section 5012. Prioritization of State Investments in  
Delta Levees and Risk Reduction**

**Notice of Extension of Written Comment Period and Rescheduled  
Hearing for OAL File No. Z-2022-0816-07**

NOTICE IS HEREBY GIVEN that the Delta Stewardship Council (Council) has inadvertently filed and posted online an incorrect version of the proposed regulations text for the Office of Administrative Law (OAL) file number Z-2022-0816-07, and, is hereby extending the written comment period and rescheduling the public hearing date, as specified below. The correct version of the proposed regulatory language is available on the Delta Stewardship Council's website at <https://deltacouncil.ca.gov/delta-plan/regulations>.

The Council will conduct a public hearing at the time and place noted below to hear comments, objections, and recommendations. At a separate meeting on a future date, the Council may consider approving for adoption the proposed amendments.

**Opportunity for Public Comment**

- Additional Time Extended to the Written Comment Period: **The written comment period for this proposed action is hereby extended to 11:59 p.m. on Wednesday, November 16, 2022.** Interested members of the public may provide comments by mail or by electronic submittal. **The extended public comment period for this regulatory action is in addition to the previously noticed written comment period.** \*Please note that any comments received during the originally noticed comment start date of August 26, 2022, through the date of publication of this Notice in the Register do not need to be re-submitted to the Council.\* Any interested person, or her or his authorized representative, may submit written comments relevant to the proposed regulatory action.

## **Authority and Reference**

Water Code sections 85210(i), 85210(h), and 85306 provide the Council authority for the proposed amendments to California Code of Regulations, Title 23, sections 5001 ("Section 5001") and 5012 ("Section 5012"). Water Code section 85210(i) authorizes the Council to adopt regulations or guidelines as needed to carry out its powers and duties; Water Code section 85210(h) grants the Council the authority "to request reports from state, federal, and local governmental agencies on issues related to the implementation of the Delta Plan"; and Water Code section 85306 authorizes the Council, in consultation with the Central Valley Flood Protection Board (CVFPB), to recommend priorities for state investments in levee operation, maintenance, and improvements in the Delta. This action is proposed to implement, interpret, and make specific one or more of the following: sections 85020, 85022, 85054, 85057.5, 85225, 85300, 85305, 85306, 85307, and 85309 of the Water Code.

## **Contact Persons**

Inquiries concerning the proposed administrative action may be directed to:

Erin Mullin  
Delta Stewardship Council  
715 P Street, Suite 15-300  
Sacramento, CA 95814  
(916) 902-6482  
[amend.rrp1@deltacouncil.ca.gov](mailto:amend.rrp1@deltacouncil.ca.gov)

The backup contact person to whom inquiries concerning the proposed administrative action may be directed to is:

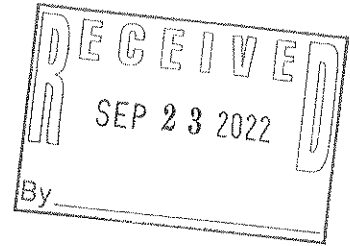
Eva Bush  
Delta Stewardship Council  
715 P Street, Suite 15-300  
Sacramento, CA 95814  
(916) 284-1619  
[amend.rrp1@deltacouncil.ca.gov](mailto:amend.rrp1@deltacouncil.ca.gov)

All comments must be submitted as set forth in the "Opportunity for Public Comment" section, above.

## **Internet Access**

Copies of this Notice, the original Notice of Proposed Action published on August 26, 2022 in the Notice Register, the Initial Statement of Reasons, the corrected text of the proposed regulations in underline and strikeout, and all materials published or distributed by the Council regarding this proposed action are available at <https://deltacouncil.ca.gov/dlis/>.

State of California  
Delta Stewardship Council



California Code of Regulations, Title 23. Water Division 6. Delta  
Stewardship Council  
Article 1. Definitions Section 5001. Definitions  
and  
Article 3. Consistency with the Regulatory Policies Contained in the Delta  
Plan Section 5012. Prioritization of State Investments in Delta Levees and  
Risk Reduction

Proposed Amendment to Existing Regulation

(September 23, 2022, Notice of Extension of Written Comment Period and  
Continued Hearing for OAL File No. Z2022-0816-07)

Amend California Code of Regulations, Title 23, section 5001 and section 5012 as follows:

[Note: Set forth below are proposed amendments to Title 23 of the California Code of Regulations. Amendments to existing sections proposed and subject to comment in this rulemaking are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions, compared to the preexisting regulatory language. All other portions remain unchanged and are indicated by the symbol “\* \* \* \*” for reference.]

§ 5001. **Definitions.** As used in this division, the terms listed below shall have the meanings noted:

\* \* \* \*

(v) “High Priority islands or tracts” means the tracts of land listed under “High Priority” in the Table (Delta Levees Investment Strategy Priorities) of Section 5012 of this title and depicted in Appendix P to the Delta Plan.

(w) “Levee improvement” means any activity that is not levee operation and maintenance, and that is intended to reduce the probability of flooding or the addition of a feature that did not previously exist. Examples of levee improvements include changing levee geometry to reach a higher level of protection, increasing the height of a levee, providing riprap where none previously existed, and other similar activities.

(x) “Levee operation and maintenance” means any activity to retain or maintain the intended functions of flood control facilities and of existing encroachments or needed to keep the system functioning properly. Examples of maintenance activities include

risks to people, property, and State interests in the Delta, that is directly or indirectly caused by a project on its own or when the project's incremental effect is considered together with the impacts of other closely related past, present, or reasonably foreseeable future projects. The following categories of projects will not have a significant impact for this purpose:

- (1) "Ministerial" projects exempted from CEQA, pursuant to Public Resources Code section 21080(b)(1);
- (2) "Emergency" projects exempted from CEQA, pursuant to Public Resources Code section 21080(b)(2) through (4);
- (3) Temporary water transfers of up to one year in duration.

(4) Other projects exempted from CEQA, unless there are unusual circumstances indicating a reasonable possibility that the project will have a significant impact under Water Code section 85057.5(a)(4), as further defined by this section. Examples of unusual circumstances could arise in connection with, among other things:

(A) Local government general plan amendments for the purpose of achieving consistency with the Delta Protection Commission's Land Use and Resource Management Plan; and

(B) Small-scale habitat restoration projects, as referred to in CEQA Guidelines, section 15333 of Title 14 of the California Code of Regulations, proposed in important restoration areas, but which are inconsistent with the Delta Plan's policy related to appropriate habitat restoration for a given land elevation (section 5006 of this Chapter).

(j) "Very-High Priority islands or tracts" means the tracts of land identified under "Very-High Priority" in the Table (Delta Levees Investment Strategy Priorities) of Section 5012 of this title and depicted in Appendix P to the Delta Plan.

(k) "Urban area" means a developed area in which there are 10,000 residents or more.

(l) "Urbanizing area" means a developed area or an area outside of a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.

(m) "Urban water management plan" means a plan prepared, adopted, and updated by an urban water supplier pursuant to the Urban Water Management Planning Act, Water Code section 10610 et seq.

(n) "Urban water supplier" refers to both "urban retail water suppliers" and "urban wholesale water suppliers":

(1) "Urban retail water supplier" means a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes.

**Priorities for State Investment in Delta Integrated Flood Management  
Categories of Benefit Analysis**

<b>Goals</b>	<b>Localized Flood Protection</b>	<b>Levee Network</b>	<b>Ecosystem Conservation</b>
1	Protect existing urban and adjacent urbanizing areas by providing 200-year flood protection.	Protect water quality and water supply conveyance in the Delta, especially levees that protect freshwater aqueducts and the primary channels that carry fresh water through the Delta.	Protect existing and provide for a net increase in channel-margin habitat.
2	Protect small communities and critical infrastructure of statewide importance (located outside of urban areas).	Protect flood water conveyance in and through the Delta to a level consistent with the State Plan of Flood Control for project levees.	Protect existing and provide for net enhancement of floodplain habitat.
3	Protect agriculture and local working landscapes.	Protect cultural, historic, aesthetic, and recreational resources (Delta as	Protect existing and provide for net enhancements of wetlands.

**(a) Fund levee operation and maintenance.** For the purposes of Water Code Section 85306, State investments in levee operation and maintenance of Delta project levees and nonproject levees shall be prioritized as follows:

(1) For project levees, funding should be prioritized to ensure levees are operated and maintained in accordance with Code of Federal Regulations, Title 33, Part 208.10, applicable federal Operation and Maintenance manuals, active in federal Public Law 84-99 Rehabilitation Program, and consistent with Central Valley Flood Protection Board Resolution No. 2018-06 for Acceptable Operation and Maintenance of the State Plan of Flood Control.

(2) For nonproject levees, funding should be prioritized to ensure levees are operated and maintained to protect the Delta's physical characteristics.

**(b) Delta levees investment strategy.** The priorities listed in the Table 1 below and depicted in Delta Plan Appendix P dated August 2021, which is incorporated herein by this reference as if fully set forth, shall guide State discretionary investments in the improvement of Delta levees. The California Department of Water Resources' funding decisions are subject to its consideration of the benefits, costs, engineering considerations, and other factors. As the California Department of Water Resources selects levee improvement projects for funding through its levee funding programs, it should fund projects at the Very-High priority islands or tracts, before funding projects at High Priority or Other Priority islands or tracts. If available funds are sufficient to fully fund levee improvement projects at the Very-High Priority islands or tracts, then funds for levee improvement projects on High Priority islands or tracts should be funded and after those projects have been fully funded, then levee improvement projects at Other Priority islands or tracts may be funded.

California Department of Water Resources shall submit the written annual report to the Council and make the report publicly available.

(2) The report shall include:

(A) A description of State funds provided for each levee operation, maintenance, repair, rehabilitation, replacement, and improvement program funded during the reporting year;

(B) A list of each levee improvement project proposal submitted to the California Department of Water Resources for funding, regardless of whether the California Department of Water Resources awarded funding to the project;

(C) A list of the improvement projects awarded funding, the funding level awarded, the local cost share, and the applicable priority of the island or tract from Table 1 in paragraph (b)(1) where the levee improvement project is located;

(D) A description, for each awarded project, of changes (when completed) to levee geometry, the specific locations of those changes, and expected changes in the level of flood protection provided or standard achieved;

(E) If the California Department of Water Resources awards funds for any levee improvement project that is inconsistent with the priorities identified in paragraph (b)(1), the annual report shall identify for each project: how the funding is inconsistent with the priorities, describe why variation from the priorities is necessary, and explain how the funding nevertheless protects lives, property, or other State interests, such as infrastructure, agriculture, water supply reliability, Delta ecosystem, or Delta communities;

(F) A summary of The California Department of Water Resources' rationale for levee improvement project proposals submitted, but not awarded funding during the reporting year; and

(G) A summary of all previous California Department of Water Resources funded levee improvement project activities completed during the reporting year and location of those activities.

(b)(d) For purposes of Water Code section 85057.5(a)(3) and section 5001(j)(1)(E) of this Chapter, this policy covers a proposed action that involves discretionary State investments in Delta flood risk management, including levee operations, maintenance, and improvements. Nothing in this policy establishes or otherwise changes existing levee standards.

Note: Authority cited: Sections 85210(i), 85210(h), and 85306, Water Code. Reference: Sections 85020, 85022, 85054, 85057.5, 85300, 85305, and 85306, 85307, and 85309, Water Code.



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# Town of Discovery Bay

*"A Community Services District"*

## STAFF REPORT

**Meeting Date**

October 5, 2022

**Prepared By:** Dina Breitstein, General Manager  
**Submitted By:** Dina Breitstein, General Manager

**Agenda Title**

Discussion and Possible Action Regarding Municipal Advisory Committee Agency Comment Request – County File #CDLP22-02055.

**Recommended Action**

Approve staff recommendation of no comment on County File # CDLP22-02055 submitted on September 14, 2022.

**Executive Summary:**

Contra Costa County Department of Conservation and Development Agency Comment Request Dated 09/14/2022 County File # CDLP22-02055.

Staff has no recommended comment.

**Previous Relevant Board Actions for This Item**

**Attachments**

Contra Costa County Department of Conservation and Development Agency Comment Request Dated 09/14/2022

**AGENDA ITEM: L1**





# CONTRA COSTA

## CONSERVATION & DEVELOPMENT

### Planning Application Summary

**County File Number: CDLP22-02055**

**File Date: 9/2/2022**

**Applicant:**

Gursoy KAVGACI  
Berra Gyro  
14870 CA-4 STE A Discovery  
Bay, CA 94505

gursoykavgaci@hotmail.com  
(925) 475-9480

**Property Owner:**

PACIFIC/BOWIE-TRACY II  
1 CORPORATE PLAZA  
NEWPORT BEACH, CA 926607914

edavis@pdgcenters.com  
(949) 760-8591

**Project Description:**

Request for approval of a Land Use Permit application to allow a new restaurant 'Berra Gyro' to move into an existing tenant space within the Sandy Cove Shopping Center. Land Use Permit (CDLP00-02095) condition of approval #7 requires all new restaurants to first obtain approval of a Land Use Permit, and there is no record of the existing restaurant having one.

**Project Location: (Address: 14870 HIGHWAY 4 , DISCOVERY BAY, CA 94505), (APN: 011-470-007)**

**General Plan Designation(s):** CO

**Zoning District(s):** P-1

**Flood Hazard Areas:** A

**AP Fault Zone:** no

**60-dBA Noise Control:** yes

**MAC/TAC:** Disco Bay CSD

**Sphere of Influence:** N/A

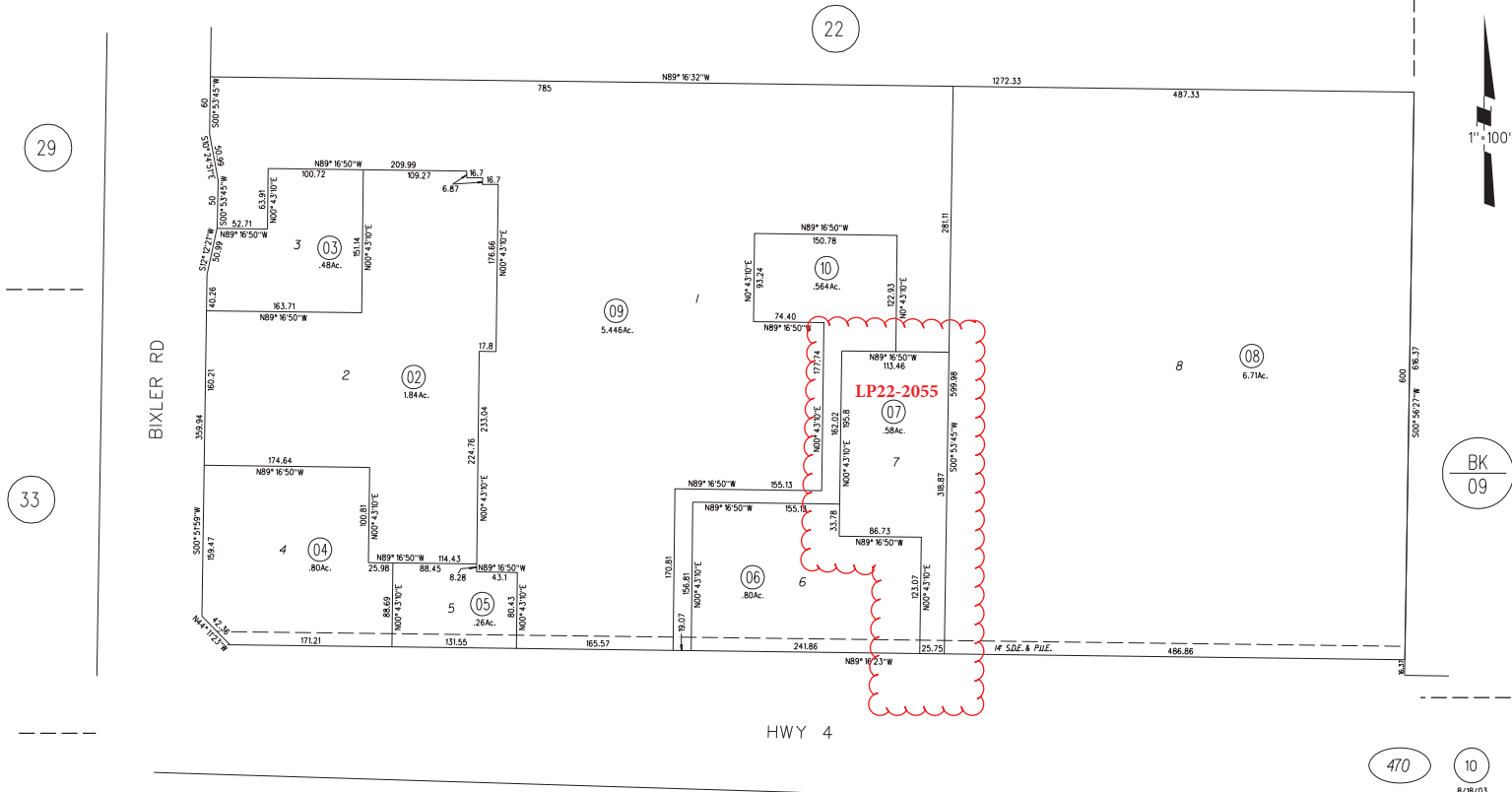
**Fire District:** E CONSOLIDATED FIRE

**Sanitary District:** TOWN OF DISCOVERY BAY CSD

**Housing Inventory Site:** N/A

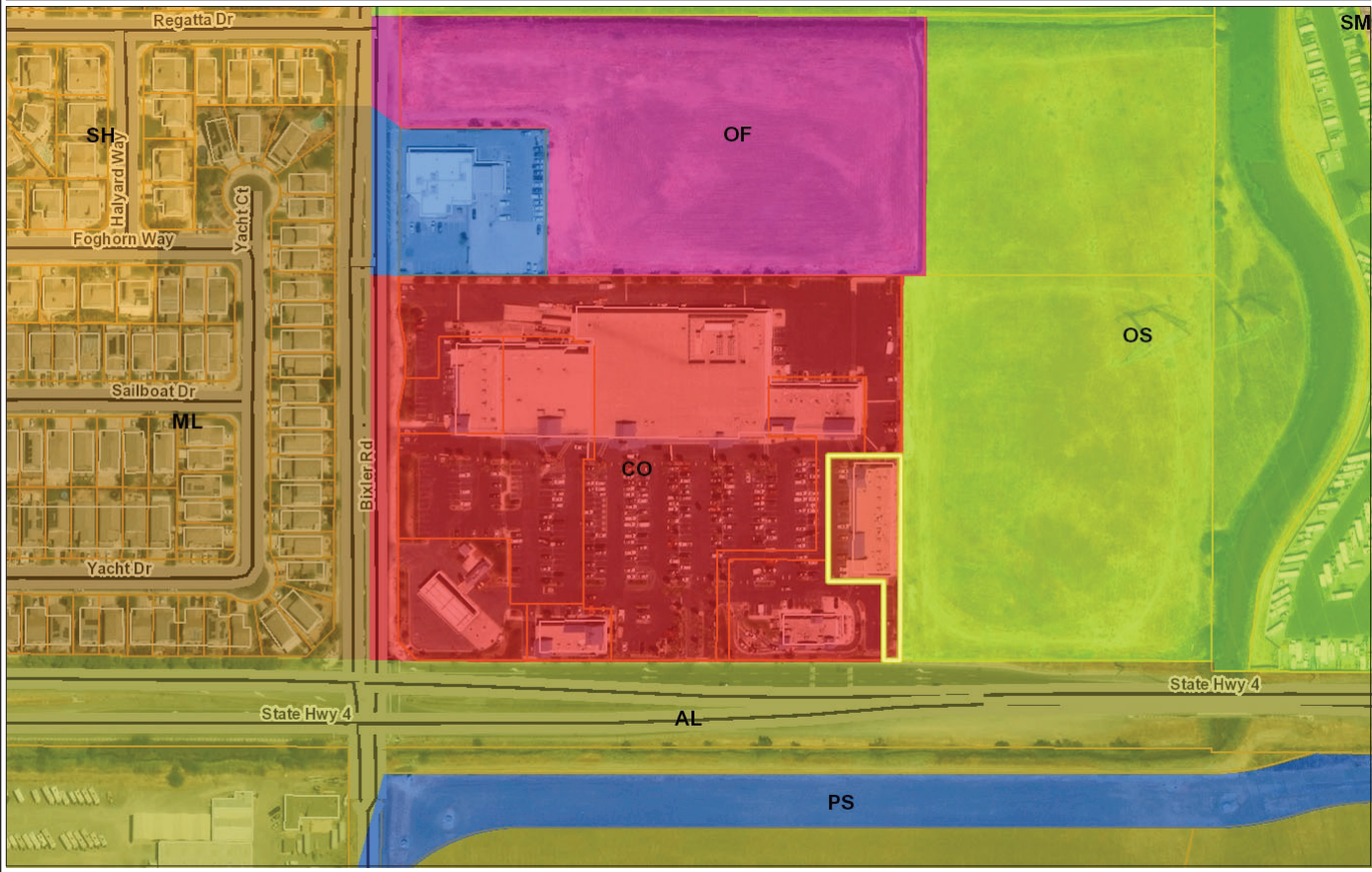
**Fees:**

Fee Item	Description	Account Code	Total Fee	Paid
048F	Fish & Wildlife Fee (\$75)	002606-9660-REV-000-5B048F	75.00	75.00
052B	Notification Fee (\$30)	002606-9660-REV-000-5B052B	30.00	30.00
HSDR	Environmental Health Fee (\$57)	002606-9660-REV-000-5BHSDR  \$5.00	57.00	57.00
LPS0029	Land Use Permit-Other DCD	002606-9660-REV-000-5B0029	5500.00	5500.00
<b>Total:</b>			<b>5662.00</b>	<b>5662.00</b>



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

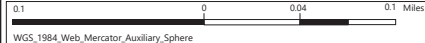
General Plan: Commercial (CO)



Legend

- City Limits
- General Plan**
- SV (Single Family Residential - Ver)
- SL (Single Family Residential - Low)
- SM (Single Family Residential - Me)
- SH (Single Family Residential - Hig)
- ML (Multiple Family Residential - Lc)
- MM (Multiple Family Residential - M)
- MH (Multiple Family Residential - H)
- MV (Multiple Family Residential - V)
- MS (Multiple Family Residential - V)
- CC (Congregate Care/Senior Housi)
- MO (Mobile Home)
- M-1 (Parker Avenue Mixed Use)
- M-2 (Downtown/Waterfront Rodeo I)
- M-3 (Pleasant Hill BART Mixed Use)
- M-4 (Willow Pass Road Mixed Use)
- M-5 (Willow Pass Road Commercia)
- M-6 (Bay Point Residential Mixed U)
- M-7 (Pittsburg/Bay Point BART Stat)
- M-8 (Dougherty Valley Village Cent)
- M-9 (Montalvin Manor Mixed Use)
- M-10 (Willow Pass Business Park h)
- M-11 (Applian Way Mixed Use)
- M-12 (Triangle Area Mixed Use)
- M-13 (San Pablo Dam Road Mixed)
- M-14 (Heritage Mixed Use)
- CO (Commercial)
- OF (Office)
- BP (Business Park)
- LI (Light Industry)
- HI (Heavy Industry)
- AL\_OIBA (Agricultural Lands & Off)
- CR (Commercial Recreation)
- ACO (Airport Commercial)
- LF (Landfill)
- PS (Public/Semi-Public)
- PR (Parks and Recreation)
- OS (Open Space)

1:2,257

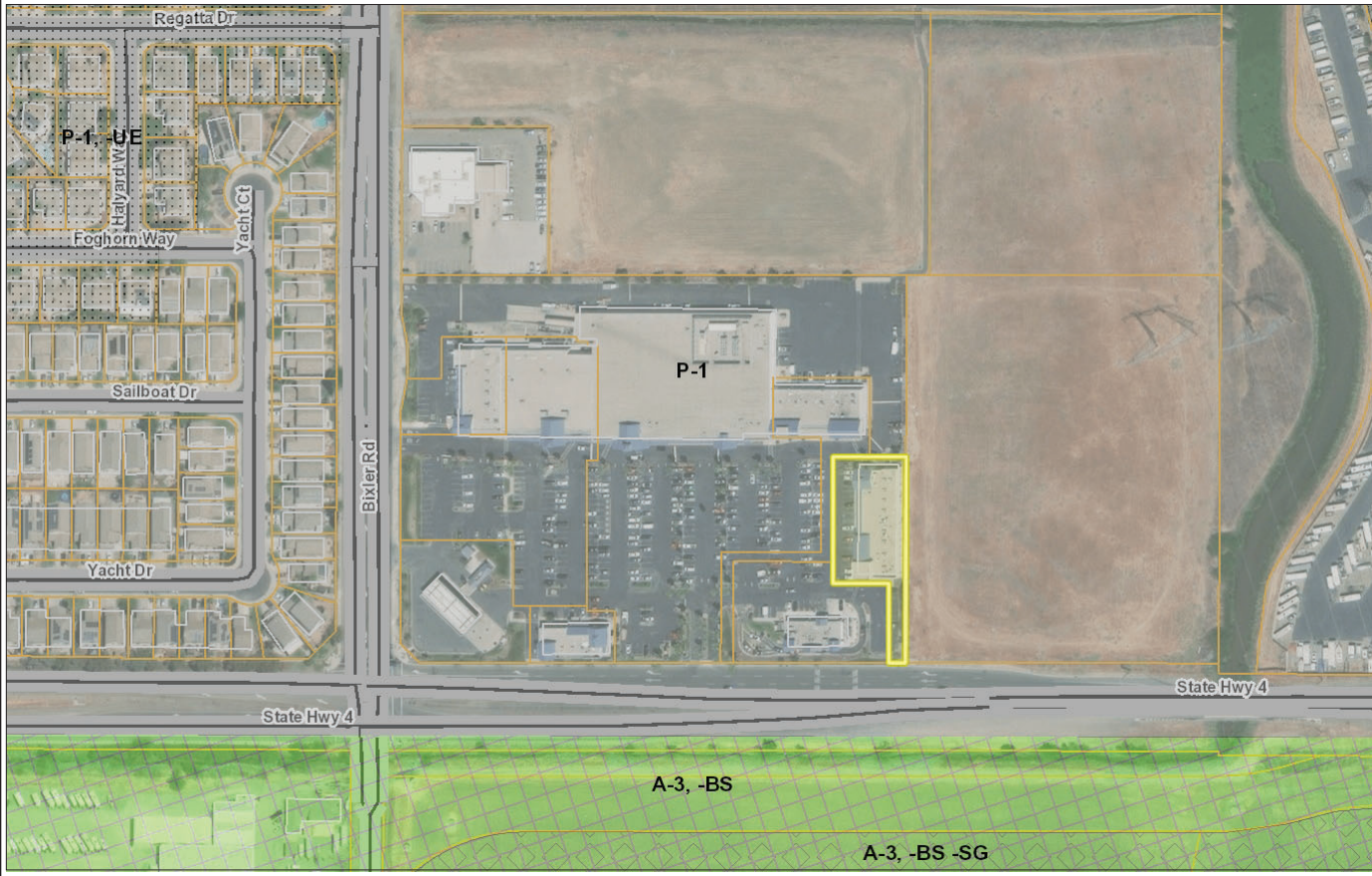


WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Zoning: Sandy Cove Shopping Center Planned Unit Development (P-1)



**Legend**

City Limits

**Zoning**

- R-6 (Single Family Residential)
- R-6 -FH -UE (Flood Hazard and A)
- R-6 -SD-1 (Slope Density Hillside E)
- R-6 -TOV -K (Tree Obstruction and)
- R-6 -UE (Urban Farm Animal Exclu)
- R-6 -X (Railroad Corridor Combin)
- R-7 (Single Family Residential)
- R-7 -X (Railroad Corridor Combin)
- R-10 (Single Family Residential)
- R-10 -UE (Urban Farm Animal Exc)
- R-12 (Single Family Residential)
- R-15 (Single Family Residential)
- R-20 (Single Family Residential)
- R-20 -UE (Urban Farm Animal Exc)
- R-40 (Single Family Residential)
- R-40 -FH -UE (Flood Hazard and A)
- R-40 -UE (Urban Farm Animal Exc)
- R-65 (Single Family Residential)
- R-100 (Single Family Residential)
- D-1 (Two Family Residential)
- D-1 -T (Transitional Combining Dist)
- D-1 -UE (Urban Farm Animal Exclu)
- M-12 (Multiple Family Residential)
- M-17 (Multiple Family Residential)
- M-29 (Multiple Family Residential)
- F-R (Forestry Recreational)
- F-R -FH (Flood Hazard Combining)
- F-1 (Water Recreational)
- F-1 -FH (Flood Hazard Combining I)
- A-2 (General Agriculture)
- A-2 -BS (Boat Storage Combining)
- A-2 -BS -SG (Boat Storage and So)
- A-2 -FH (Flood Hazard Combining I)
- A-2 -FH -SG (Flood Hazard and Sc)
- A-2 -SD-1 (Slope Density Hillside D)
- A-2 -SG (Solar Energy Generation)

1:2,257

0.1 0 0.04 0.1 Miles  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

**Notes**

Aerial Photo



Legend

- City Limits
- Streets
- Building Footprints
- Assessment Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

1:564



Notes

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

0.0 0 0.01 0.0 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere



**REVISION:**

- SUBMIT TO CITY:  
 1. 1/10/01 PLANNING SUBMITTAL  
 2. 3/12/01 OWNER REVISIONS  
 3. 4/10/01 MOVE SAFEWAY

**JOB TITLE:**

**SANDY COVE  
DISCOVERY BAY, CA  
HIGHWAY 4 & BIXLER ROAD**

**OWNER:**

PACIFIC DEV. GROUP  
 41 CORPORATE PLAZA  
 NEWPORT BEACH, CA 92660  
 (949) 760-4391

**SHEET TITLE:**

**PRELIMINARY  
SITE PLAN**

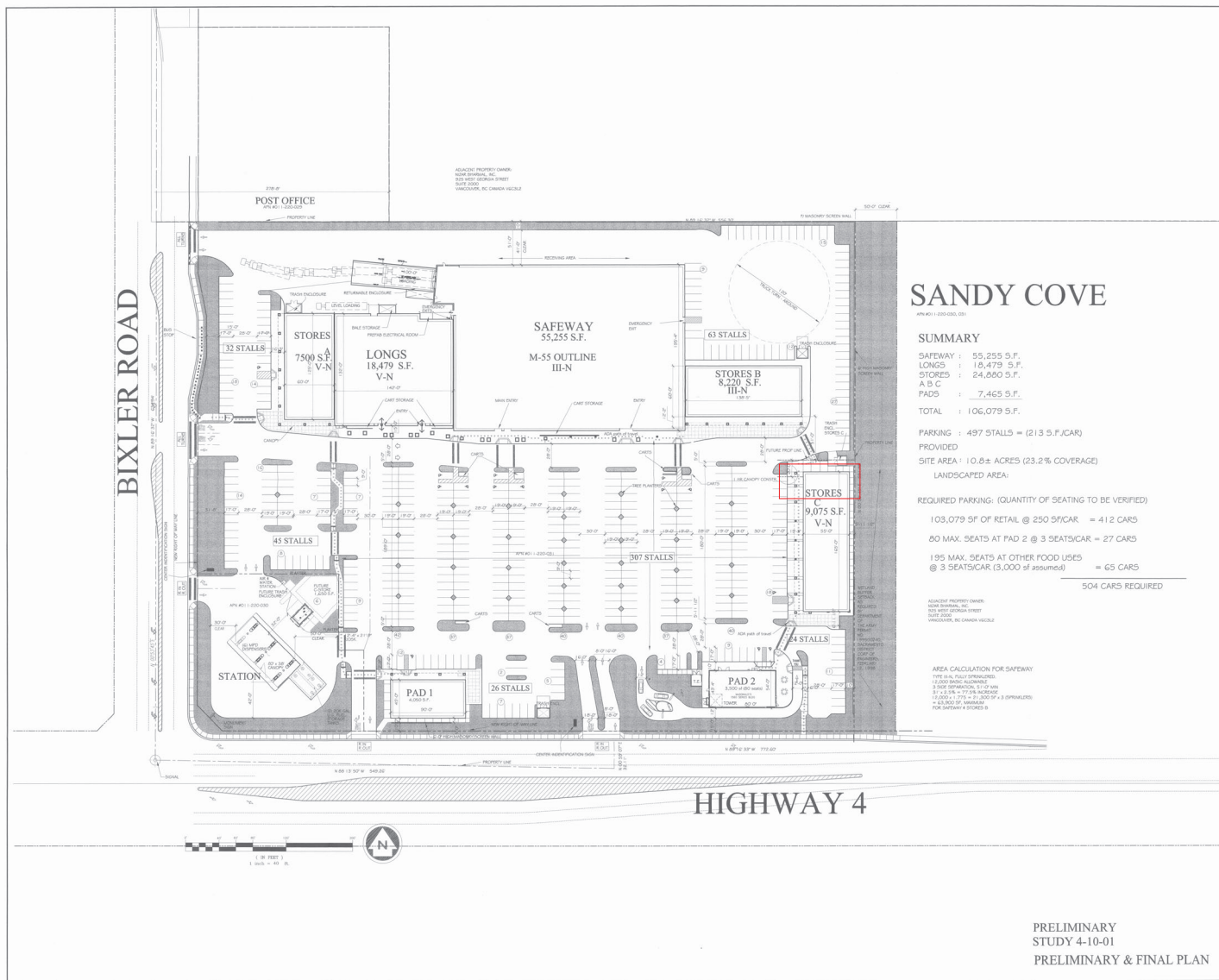
DATE: 3/6/2001

JOB No.

SHEET:

**A-1**

of



**SANDY COVE**

**SUMMARY**

SAFEWAY : 55,255 S.F.  
 LONGS : 18,479 S.F.  
 STORES : 24,880 S.F.  
 A B C : 7,465 S.F.  
 TOTAL : 106,079 S.F.

PARKING : 497 STALLS = (213 S.F./CAR)  
 PROVIDED  
 SITE AREA : 10.8± ACRES (23.2% COVERAGE)  
 LANDSCAPED AREA:

**REQUIRED PARKING: (QUANTITY OF SEATING TO BE VERIFIED)**

103,079 SF OF RETAIL @ 250 SF/CAR = 412 CARS  
 80 MAX. SEATS AT PAD 2 @ 3 SEATS/CAR = 27 CARS  
 195 MAX. SEATS AT OTHER FOOD USES  
 @ 3 SEATS/CAR (3,000 sf assumed) = 65 CARS

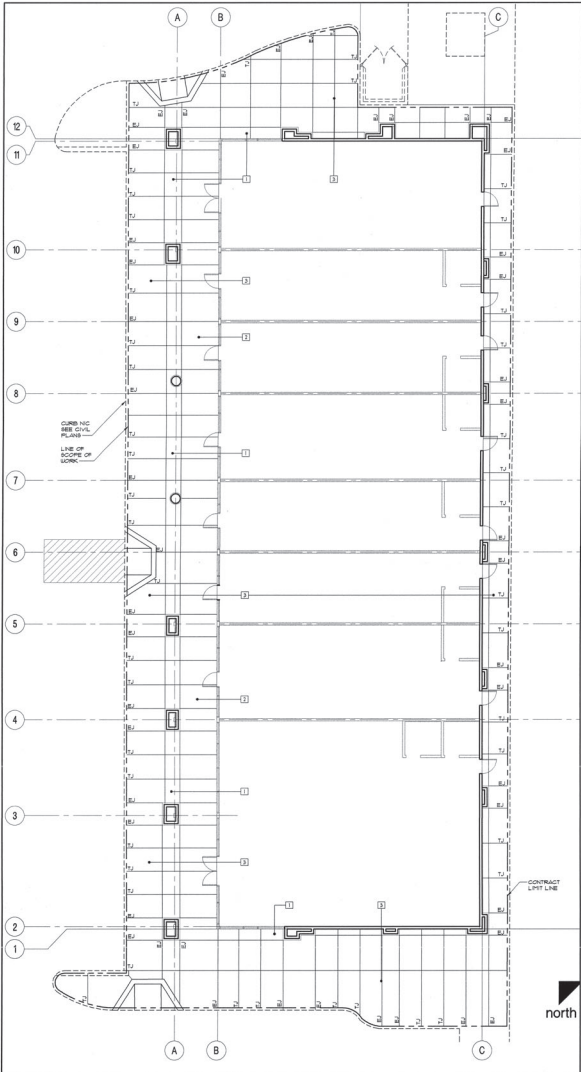
**504 CARS REQUIRED**

ADJACENT PROPERTY OWNERS:  
 1000 COLLEGE AVENUE, SUITE 200, BERKELEY, CA 94704  
 925 841 1000  
 WWW.JOHNSON-LYMAN.COM

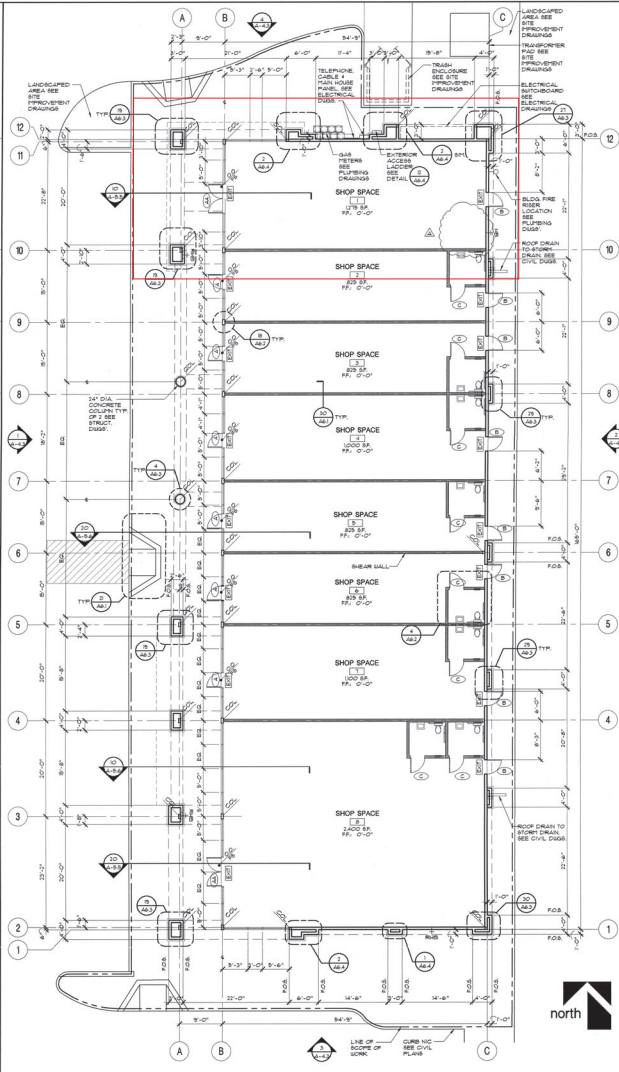
AREA CALCULATION FOR SAFEWAY  
 7700 SQ. FT. FULL SPREADSHEET  
 12,000 SQ. FT. FULL SPREADSHEET  
 3,000 SQ. FT. FULL SPREADSHEET  
 11,200 SQ. FT. FULL SPREADSHEET  
 11,200 SQ. FT. FULL SPREADSHEET  
 11,200 SQ. FT. FULL SPREADSHEET  
 11,200 SQ. FT. FULL SPREADSHEET  
 11,200 SQ. FT. FULL SPREADSHEET  
 11,200 SQ. FT. FULL SPREADSHEET  
 11,200 SQ. FT. FULL SPREADSHEET

PRELIMINARY  
 STUDY 4-10-01  
 PRELIMINARY & FINAL PLAN





HARDSCAPE PLAN - SHOP BUILDING 'C' 2



FLOOR PLAN - SHOP BUILDING 'C' 1

### FLOOR PLAN LEGEND

- GRID LINE (FACE OF WALL, FACE OF MAINWAY AND CENTERLINE OF COL.)
- WALL SECTION DETAIL
- DETAIL IDENTIFICATION
- INTERIOR ELEVATION IDENTIFICATION (SEE INTERIOR ROOF SCHEDULE)
- CHANGE IN ELEVATION AT GRADE (SEE CIVIL DRAWINGS)
- HOSE BID (SEE PUMPING DRAWINGS)
- MATCH LINE
- DOOR SYMBOL (SEE SHEET 2004A2)
- EXIT SYMBOL
- SALES FLOOR
- ROOF LINE (SEE INTERIOR FINISH SCHEDULE)
- FACE OF FINISH STUD
- FACE OF FINISH
- FACE OF CURB
- 2" x 4" SIDING AT 16" OC
- INSULATED WALL TYP. # ALL SITE PARTITION WALLS AND RESTROOM WALLS
- CIVIL WALL PER STRUCTURAL (SEE ELEVATION FOR FINISH)
- CIVIL WALL PER STRUCTURAL (PAVING WALL, SEE NOTE)
- CONCRETE
- CENTRALISE
- LIMIT OF CONTRACT
- CONCEALED

### FLOOR PLAN NOTES

- PROVIDE 2" x 4" SIDING AT 16" OC FROM FLOOR TO ROOF BRACKETS FOR ALL EXTERIOR PARTITIONS UNLESS NOTED OTHERWISE ON PLAN. PROVIDE 2" x 4" SIDING FROM FLOOR TO ROOF BRACKETS ON ALL EXTERIOR PARTITIONS UNLESS NOTED OTHERWISE ON PLAN.
- PROVIDE 2" x 4" SIDING AT 16" OC FOR ALL RESTROOMS AND ALL MEAT & SEAFOOD PARTITION AND PUMPING WALL TO 8' ABOVE SALES AREA CEILING.
- PROVIDE BURNED WOOD AS REQUIRED FOR ALL UTILITY AND PUMPING WALLS EXCEPT AT PUMPING WALL.
- CONTRACTOR MAY (AT HIS OPTION) USE METAL STUDS IN LINE OF WOOD STUDS AT NON-BEARING INTERIOR PARTITION WALLS AND PARTITIONS EXCEPT AT PUMPING WALL.
- PROVIDE ONE (1) 24-000 FIRE EXTINGUISHER IN LOCATIONS AS APPROVED BY FIRE DEPT.
- PROVIDE MASTER LOCK DOOR HANGERS KEYS ALIKE FOR ALL LOCKABLE STORAGE/TELEPHONE CUBICLE AND SEE SPECIFICATIONS.
- TRASH BRACKETS AND OTHER EMPLOYEE SHALL HAVE SEPARATE RESTROOM FACILITIES.
- ROOF DRAIN LINES TO CONNECT ON-SITE STORM DRAIN SYSTEM. SEE PUMPING AND CIVIL PLANS. OVERLAPPING DRAIN THIS CURB FACE SIDE.
- SEE STRUCTURAL DRAWINGS FOR BEAM AND PILING WALL THICKNESS AND MATERIAL.
- PAINT ALL EXPOSED EXTERIOR METALS TO MATCH ADJACENT SURFACE.
- CONTRACTOR TO COORDINATE WITH PER FOR ALL HORIZONTAL CONNECTION TO FULLY COORDINATE ELECTRICAL, TELEPHONE, NETWORK AND OTHER BUILDING AND FIRE PROTECTION CONTRACT REQUIREMENTS TO THIS PLAN.
- ALL INTERIOR WALLS SHALL BE TEXTURE COATED AND PREPARED FOR PAINTING.

### HARDSCAPE LEGEND

- 1) 2" x 4" GRAY BROOK FRESH BRACKS INTERNAL COLOR PCC
- 2) BROWNE STAINED CONCRETE PLANT GRAY WITH GOLDEN SANDLIGHTS RUNNING BOND STAFFED PATTERNS
- 3) 2" x 4" INTRINSAL COLOR TRIPALID TAY WITH REDUCED WASH FINISH
- 4) NATURAL GREY PCC WITH REDUCED BROOK FINISH

NOTE: 1) SEE DETAIL 2004A1 FOR CIVIL HARDSCAPE CONCRETE THICKNESS OF 4" W/ #3 RE-BAR AT 24" OC EACH WAY. TYP.

2) PROVIDE 2-BENCHES AND 2 TRASH BINS PER BUILDING LOCATIONS TO BE DETERMINED BY CONTRACTOR. SEE DETAIL 2004A1 FOR TRASH RECEPTACLE. THEREFORE 281-AT COLOR TO BE CHANGED FROM WASHES 2.0.0.0.

### REVISIONS

1	ADD 2" x 4" SIDING AT 16" OC
2	ADD 2" x 4" SIDING AT 16" OC
3	ADD 2" x 4" SIDING AT 16" OC
4	ADD 2" x 4" SIDING AT 16" OC
5	ADD 2" x 4" SIDING AT 16" OC
6	ADD 2" x 4" SIDING AT 16" OC
7	ADD 2" x 4" SIDING AT 16" OC
8	ADD 2" x 4" SIDING AT 16" OC
9	ADD 2" x 4" SIDING AT 16" OC
10	ADD 2" x 4" SIDING AT 16" OC
11	ADD 2" x 4" SIDING AT 16" OC
12	ADD 2" x 4" SIDING AT 16" OC

DATE: 05/20/02

PROJECT: SHOP BUILDINGS

ARCHITECT: Perkowitz + Ruth Architects

ARCHITECTURE / PLANNING / STORE DESIGN

15 Corporate Plaza, Suite 200, Newport Beach, CA 92660 Tel: (949) 712-8800 Fax: (949) 712-8801

PROJECT: SANDY COVE SHOPPING CENTER

CONTRA COSTA COUNTY

BRICK, CALIFORNIA

BID DATE: 05/20/02

JOB NUMBER: 02-010

PLAT DATE: 05/20/02

REVISIONS:

DESIGN BY: [Signature]

CHECKED BY: [Signature]

DATE: 05/20/02

SHEET TITLE: FIRST FLOOR PLAN

SHEET NO.: A13