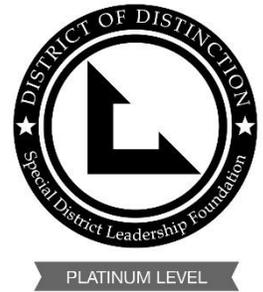




TOWN OF DISCOVERY BAY

A COMMUNITY SERVICES DISTRICT

SDLF Platinum-Level of Governance



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

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
OF THE TOWN OF DISCOVERY BAY
Wednesday September 16, 2020
REGULAR MEETING 7:00 P.M.**

**NOTICE
Coronavirus COVID-19**

In accordance with the Governor's Executive Order N-33-20, and for the period in which the Order remains in effect, the Town of Discovery Bay Community Services District Board Chambers will be closed to the public.

To accommodate the public during this period of time that the Board's Chambers are closed to the public, the Town of Discovery Bay Community Services District Board of Directors has arranged for members of the public to observe and address the meeting telephonically.

**TO ATTEND BY TELECONFERENCE:
Toll-Free Dial-In Number: (877)778-1806
CONFERENCE CODE **891949****

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

REGULAR MEETING 7:00 P.M.

A. ROLL CALL AND PLEDGE OF ALLEGIANCE

1. Call business meeting to order 7:00 p.m.- By President Pease
2. Pledge of Allegiance- Led by Director Bill Mayer.
3. Roll Call- All Present, Director Kevin Graves participated via Teleconference.

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

Public comment regarding:

- Recommended the Board do meetings via Zoom.

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 DRAFT minutes of regular meeting for September 2, 2020.
2. Government Code Section 53065 5 Annual Report FY19-20.
3. Capacity Fee Charge Report.
4. Approve Register of District Invoices.

Motion made by Vice President Bryon Gutow to approve items on the Consent Calendar as presented.
Second by Director Bill Mayer.

Vote: Motion Carried – AYES: 4, NOES: 0, ABSTAINED: 0, ABSENT: 0

D. PRESENTATIONS

None.

E. MONTHLY WATER AND WASTEWATER REPORT – VEOLIA

1. Veolia Report – Month of August 2020

Presentation from Veolia Project Manager Gerry Lemus regarding monthly performance of water and wastewater plants was provided. Veolia Project Manager Gerry Lemus gave information regarding safety

and productivity, as well as continued compliance with State regulations. Update was provided regarding equipment performance in the UV system. Work continues on the valves in lift stations.

Director Bill Mayer asked Veolia Project Manager Gerry Lemus to create a clearer graph since the one provided today was difficult to read and understand.

Public comment regarding:

- Recommended Board use Zoom for meetings.
- Trouble being able to hear the presentation and wanted to have access to the documents being discussed.

Rod Attebery, Legal Counsel for Town of Discovery Bay reminded the public that all documents discussed are available on the Agenda Packet accessible on the Town's website.

F. DISCUSSION AND ACTION ITEMS

1. Discussion and Possible Action Regarding Community Center Pool.

General Manager Mike Davies spoke of the tasks issued by the Board regarding three options for the Community Center Pool.

Option 1- Eliminate the Pool

Demolition of the pool, eliminating all future operating cost associated with the pool.

Option 2- Proceed with Request for Proposal on New Pool Project

To pay for the pool, it would require a combination of Hofmann money and an interest-bearing loan. Based on the estimates provided, Hofmann monies alone will not cover the total cost of the pool.

Cost of New Pool:	\$1,418,610	
15% Contingency:	212,800	
11% Construction Management & Inspection		156,000
Terracon Construction Administration:		10,000
Cost of Permits:	22,029	
Cost of RFP Development:	2,500	
Loan Interest	??	
TOTAL:	\$1,821,939	

Hofmann Money Available as of Dec 2020 \$ 978,002

Hofmann Money Balance as of Dec 2020 393,827 (\$433,209 if payments made to 12/23)

TOTAL: \$1,371,829 (\$1,411,212 if payments made to 12/23)

Total estimated annual revenue from pool operation is: \$ 40,750

Total estimated annual operating and staffing costs are: \$130,567

Differential: \$(89,817)

Director Bill Mayer asked for an explanation for an 11% fee for Construction Management & Inspection.

General Manager Mike Davies advised the fee is for the overlooking of the project and managing the construction of the pool.

Option 3- Continue Refurbishing of Existing Pool

Cost to Refurbish Pool: \$175,875

Paid to date: \$ 92,230

TOTAL REMAINING \$ 83,645

Total estimated annual revenue from pool operations is: \$ 26,180

Total estimated annual operating and staffing costs are: \$100,566

Differential: \$(74,386)

General Manager Mike Davies reminded the Board that we are currently still under contract with Adam's Pool Solutions for refurbishing services of the existing pool.

Director Bill Mayer asked if the 11% Construction Management & Inspection fee would apply to this option.

General Manager Mike Davies states he believes this project can be managed inhouse, eliminating this fee.

Public comment regarding:

- Provided a timeline of past pool discussions and advised it is time for the Board to come to a decision.
- Shortage in funds even if all Hofmann funds are used. Inability to pay.
- Not undertaking an expense of this size at this time. Prefers refurbishment of current pool. Cost is too high for the amount of people that would benefit from it.

- Amount that has already been spent on current pool. Hofmann funds are enough to refurbish pool and still provide funds for other improvements.
- Filters and pumps will need to be replaced if there is a refurbishment.
- Additional options to bring in revenue from the pool. Spoke about health advantages of having a pool.
- Clarification that refurbishment of pool will eliminate income from River Otters.
- Growing community and larger pool will offer more versatility.
- What is the capacity limit for both pool sizes? Community is growing and small pool cannot accommodate Town of Discovery Bay growth.
- Using the pool to bring in people and their business.
- Larger pool has more potential. Maintaining doesn't give the community the opportunity to grow.
- River Otters cannot go back to a three lane pool. It is too small. Invest in something that will last much longer.
- Look at the future of TODB. Review the cost aspects of what we have now and where we will be in the future.
- Pool will never be a profit center for any community. Pools costs too much to maintain. Difference in cost between refurbishing and a new pool is too large.
- It's not just about the pool, it is also about local businesses. TODB is a dead end.
- Possibility of an emergency and funds not available to help since funds were used on the pool.
- Positive events for children to be involved in swimming.
- Enticement to live in TODB is no longer an interest. Surrounding communities are more attractive.
- Lack of activities in TODB. Condition of the water in the Delta.
- Renting a larger pool will not increase the revenue it will bring in.
- It's time the community has a place for public to go. Not many things to do in TODB. There has been increase in size of the Town which the pool cannot accommodate.
- Cost of chemicals and maintenance. Not making a good return in investments. Pool is too shallow for water polo. Still need to consider parking and lighting costs. There will be lack of parking and increase of garbage thrown around.
- Has made a lot of friends in the River Otters and wants to see the next generation enjoy it the way he did.

Director Bill Mayer addressed concerns about Hofmann money and current funds set in CIP for the pool project. Does not want to make a decision based on opinions and estimates. Would like to negotiate costs and possibly go out to RFP to hopefully reduce the cost of a larger pool. Reminded of improvements that have already been done.

Director Bill Mayer made motion to proceed with RFP to look for bids to get actual dollar figure for larger pool instead of an estimate.

President Bill Pease second.

Director Kevin Graves expressed concern on Director Bill Mayer's request to RFP. Director Kevin Graves wondered why the quote provided by Terracon is not a reliable estimate.

Director Bill Mayer clarified that the Town of Discovery Bay was provided an estimate. There are opportunities to look at things that will not have to be done all at once. Some things might be able to wait in order to save some money now. Reminded Director Kevin Graves that the purchase of the Community Center brought forth a struggle to pay it off, but it was a vision that paid off.

Vice President Bryon Gutow expressed confusion regarding the acceptance of the quote given by a third party vendor. Vice President Bryon Gutow indicated that we have always accepted costs of projects quoted from consultants and doesn't see how this issue is any different.

Director Bill Mayer stated that bids from contractors do get analyzed and scrutinized. Director Bill Mayer understands Vice President Bryon Gutow's position to oppose a large pool from the onset.

Vice President Bryon Gutow confirmed his position and declared it was due to the financial ability of Zone 8 and what it can afford. He stated there are not enough funds to maintain a larger pool. He has an issue with all available funds being spent on one thing versus several things to help the community.

Director Bill Mayer replied that the difference in running the large pool instead of the small pool would be \$15,000 more a year, or \$1,300 a month. He said it is not a large difference in the realm of things.

Vice President Bryon Gutow clarified that the cost of the operation of the large pool was not his argument. He is concerned with the amount of resources it will take from Zone 8.

Director Kevin Graves inquired about the \$360,000 mentioned by Director Bill Mayer which he indicated the Board was not aware of.

Finance Manager Julie Carter advised that there are \$331,000 set in the budget for the Community Center. Not \$360,000. That is the amount put aside for pool renovations.

Director Kevin Graves acknowledged this is one of the most difficult decisions he has had to make in his 11 years on the Board. He cares for the community and that is why he continues to try to make

good decisions. He declared that he does not think there will be a large difference in quotes from other contractors. He asked where money would come from to maintain the rest of Zone 8 if all the funds are used on a larger pool.

Director Bill Mayer stated that the Hofmann funds were not available two years ago and Zone 8 was still making it. He said the Town is looking into re-zoning and other alternatives that will help bring in more money. The Town is going to speak to Supervisor Diane Burgis' office to ask for landscaping help. He stated the bigger pool will not cost the residents anything. Borrowing from the Town will still not bring changes to the pocketbooks of the residents. He advised that if decision to borrow from the Town was made, any interest on the loan would also be paid back to the Town.

Director Kevin Graves asked how revenue would be earned to pay the loan back.

Director Bill Mayer advised the future payments from the Hofmann money can be used to pay off this loan.

Director Kevin Graves stated previous landscaping managers advised him that the lack of landscaping is owed to the Community Center taking all the Zone 8 funds. Maintenance was deferred while waiting for the Hofmann money to come in.

Director Bill Mayer asked for clarification on the Board's vote. Asked if the vote is not to go out to RFP, the big pool is done.

General Manager Mike Davies clarified, a NO vote or a TIE vote will be declared a NO vote.

Director Kevin Graves mentioned that if this Agenda Item goes out to RFP, there will be another two years without a swimming pool.

Motion made by Director Bill Mayer to proceed with Request for Proposal on New Pool Project.

Second by President Bill Pease.

Vote: Motion Carried – AYES: 2, NOES: 2, ABSTAINED: 0, ABSENT: 0

General Manager Mike Davies announced staff cannot proceed with RFP of the pool. General Manager Mike Davies asked for direction from the Board on how to proceed.

Town Counsel Rod Attebery declared a Motion Failure for Option 2. Town Counsel Attebery and General Manager Mike Davies reminded the Board that the Town currently has an active contract with Adam's Pool Solutions for the refurbishment of the current pool. Town Counsel Attebery reminded the Board that the contract for the pool refurbishment was placed on hold. Direction was requested from the Board.

Director Kevin Graves asked Town Counsel Attebery if the Board does not move ahead with the option to refurbish the existing pool, will that leave a hole in the ground behind the Community Center?

Town Counsel Attebery confirmed that if the refurbishment is not proceeded, no action will be taken.

Again, clear direction was requested.

President Bill Pease asked for Board to make a motion on either Option 1 or Option 3.

Motion made by Vice President Bryon Gutow to proceed with Option 3- Continue Refurbishing of Existing Pool.

Second by Director Kevin Graves.

Director Bill Mayer asked Legal Counsel Rod Attebery what would happen if there is a NO vote.

Legal Counsel Rod Attebery advised there would be no direction, the motion would not move forward.

Director Bill Mayer then asked if there is a NO vote, could then, the action be brought back to the Board to move ahead with the large pool.

Legal Counsel Rod Attebery stated there is a possibility for the Items to be placed back on the Agendas.

Vice President Bryon Gutow implored Director Bill Mayer and President Bill Pease make a decision and put the issue to rest. Requested the right decision be made for the community and utilize the other funds for more projects in Zone 8.

Vote: Motion Carried – AYES: 4, NOES: 0, ABSTAINED: 0, ABSENT: 0

President Bill Pease provided recommendation to the staff that Town ensures to closely scrutinize any newly developed issues that may have arisen since the last time the pool was assessed.

Legal Counsel Rod Attebery stated the contract in question has already been approved. If any changes are to be made to the contract, that will need to come back to the Board for review.

President Bill Pease stated he'd like to have the contractor check for any changes that may have occurred since the pool has been sitting for so long without any activity. President Bill Pease indicated he would like to ensure the project doesn't continue if there are any issues with the current condition of the pool that cannot be corrected by the contractor. President Bill Pease requested the contractor reinspect the condition of the existing pool prior to commencing work.

General Manager Mike Davies stated staff understands that direction.

Director Kevin Graves mentioned that he is interested in making the right financial decision for the District. Thanked fellow Board Members for their vote and for moving forward.

President Bill Pease agreed it was a difficult decision and mentioned the Town will move forward with the refurbishing of the existing pool.

President Bill Pease called a recess of the meeting. Board of Director's Meeting will be readjourned at 8:55 p.m.

President Bill Pease called the Board of Director's Meeting readjourned at 8:52 p.m.

2. Discussion and Possible Action Regarding Advisian (WorleyParsons Group) Scope of Work to Perform Detailed Design and Construction Support Engineering Services for Outfall Diffuser Replacement Project in the Amount of \$145,150.

District Water Engineer Gregory Harris states the outfall diffuser has several ports missing and portion of the diffuser has become plugged causing it to no longer operate properly. Advisian was hired to prepare a report on options and costs to repair the diffuser. The Town opted to repair the diffuser in place with a larger header pipe. CIP budget of \$500,000 was set for permits, engineering and construction of the repairs. Advisian prepared a proposal for \$145,150 to continue with the ongoing tasks including:

- Project Management
- Bathymetric surveys
- Diffuser Design
- Regulatory Support
- Bid Support
- Engineering Support During Construction
- Project Closeout Documentation

Motion made by Director Bill Mayer to approve staff recommendation to move forward with Professional Service Agreement with Advisian (Worley Parsons Group) for Outfall Diffuser Replacement services as detailed in their Scope of Work dated August 18, 2020.

Second by Vice President Bryon Gutow.

Vote: Motion Carried – AYES: 4, NOES: 0, ABSTAINED: 0, ABSENT: 0

3. Discussion and Possible Action Regarding Stantec Scope of Work to Perform Computational Fluid Dynamics Modeling Engineering Services for UV System at Plant No. 2 as part of the Denitrification Project in the Amount of \$54,500.

District Water Engineer Gregory Harris said hydraulic turbulence in the UV channels was interfering with proper operations of the UV equipment. Full performance is required to comply with Title 22 standards. Addressing the conditions in the UV channel was placed on the CIP with a budget of \$160,000. Stantec has prepared a cost to perform Computational Fluid Dynamics Modeling of the UV channel to identify the specific improvements needed to improve the performance of the UV channels. Public comment regarding:

- Inquiry if this project is part of the upgrade plan at Water Treatment Plant Number 2.

District Water Engineer Gregory Harris confirmed this project is related to the upgrade.

Motion made by Vice President Bryon Gutow to approve staff recommendation for a Professional Service Agreement with Stantec for Computational Fluid Dynamics Modeling Engineering Services in the cost of \$54,000 as detailed in their Scope of Work dated August 20, 2020.

Second by Director Bill Mayer.

Vote: Motion Carried – AYES: 4, NOES: 0, ABSTAINED: 0, ABSENT: 0

4. Discussion and Possible Action Authorizing Luhdorff & Scalmanini to Prepare the Water System Asset Management Plan in the Amount of \$224,612.

Water Engineer Justin Shobe indicated that periodically the Town generates a Water Master Plan. The last Water Master Plan was created in 2012. The purpose of the Water Master Plan is to allow the Town to be proactive instead of reactive in identifying and addressing supply, storage and treatment needs for the Town's water. The Water Management Plan will serve as a tool that documents and prioritizes the relative risk of failure, forecasts the need to replace assets and implement refurbishments and repairs while adhering to funding availability.

President Bill Pease asked what the estimated timeframe to complete the Water Management Plan.

Water Engineer Justin Shobe advised the plan should be completed in approximately 16 months.

Public comment regarding:

- Inquiry into how the condition of an asset such as water pipeline is evaluated.

Water Engineer Justin Shobe advised several things are evaluated such as age of underground pipelines, soil conditions and maintenance are compared to case studies.

- Inquiry into total pre-payment upfront versus a payment schedule

President Bill Pease advised that this project will be paid as all other projects, in payment phases.

Motion made by Director Kevin Graves to approve staff recommendation for a Professional Service Agreement with Luhdorff & Scalmanini Consulting Engineers to Prepare the Water System Asset Management Plan as detailed in their Scope of Work dated September 9, 2020 in the amount of \$224,612.

Second by Vice President Bryon Gutow.

Vote: Motion Carried – AYES: 4, NOES: 0, ABSTAINED: 0, ABSENT: 0

5. Discussion and Possible Action Authorizing Luhdorff & Scalmanini to Prepare the America's Water Infrastructure Act (AWIA) Risk and Resilience Assessment in the Amount of \$25,000.
 Water Engineer Justin Shobe indicated that as required by the Environmental Protection Agency (EPA), the America's Water Infrastructure Act has federally mandated the requirement for the Town to have a Risk and Resilience Assessment (RRA). This is a self-certification of an evaluation of risks of natural hazards and malevolent acts. The EPA has created a Vulnerability Self-Assessment Tool (VSAT 2.0) to evaluate the required parameters. Then the Town will need to submit an Emergency Response Plan (ERP) to the EPA by December 30, 2021. Luhdorff & Scalmanini Consulting Engineers will work with the Town by researching and collecting data to prepare the RRA and submit a self-certification form to the EPA by the June 30, 2021 deadline. Town will be responsible for updating the ERP with the EPA. President Bill Pease asked Water Engineer Justin Shobe how many other RRA's he will be doing for other water districts.
 Water Engineer Justin Shobe advised he will be doing just one other one for a smaller district. Director Bill Mayer asked what the Town will receive in return for this fee. Will there be a report the Town will receive with the outcome of this research?
 Water Engineer Justin Shobe advised the Town will be the sole custodian of this information since it will not be submitted to the EPA. This assessment will calculate risks to help the Town identify vulnerabilities within the infrastructure.
 Public comment regarding:
 - How many systems are we serving?
 President Bill Pease advised there are more than 3,300 but less than 50,000. Public was referred to General Manager Mike Davies for a more precise number.
 Motion made by Director Bill Mayer to approve staff recommendation for a Professional Service Agreement with Luhdorff & Scalmanini Consulting Engineers to prepare the America's Water Infrastructure Act Risk and Resilience Assessment as detailed in their Scope of Work dated August 21, 2020 in the amount of \$25,000.
 Second by Vice President Bryon Gutow.
 Vote: Motion Carried – AYES: 4, NOES: 0, ABSTAINED: 0, ABSENT: 0

G. MANAGER'S REPORT

H. CORRESPONDENCE RECEIVED

I. FUTURE AGENDA ITEMS

Director Bill Mayer requested an update on the next Regular BOD meeting of any landscaping progress.

J. ADJOURNMENT

1. Adjourned at 9:20 to the regular meeting on October 7, 2020 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."

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