



# TOWN OF DISCOVERY BAY

## A COMMUNITY SERVICES DISTRICT



### SDLF Platinum-Level of Governance

PLATINUM LEVEL

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

#### MINUTES OF THE REGULAR MEETING MINUTES OF THE BOARD OF DIRECTORS OF THE TOWN OF DISCOVERY BAY Wednesday April 6, 2022 REGULAR MEETING 7:00 P.M.

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

1. Call business meeting to order 7:00 p.m.
2. Pledge of Allegiance – Led by Director Callahan.
3. Roll Call – All present, Director Gutow joined via phone.

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

Three Public Comments:

- Resident expressed concern regarding upkeep and litter off of Hwy 4 before entering Discovery Bay.
- Former Discovery Bay Residents and parents of Alexis Gabe appealed to the Board of Directors for help in their search efforts for their daughter Alexis Gabe. The family is offering a reward and is requesting the Town of Discovery Bay contribute \$10,000 to the reward amount.
- Former Commissioner, resident of Daly City and friend of Gwen Gabe requested that reward funds be procured and requested of agencies to aid the Gabe family in continued search efforts and allow the Gabe family to determine how the Town allocates and appropriates funding sources on behalf of the County Board of Supervisors.

#### C. CONSENT CALENDAR

1. Approve DRAFT minutes of Board of Directors meeting for March 16, 2022, and March 24, 2022.
2. Approve Register of District Invoices.
3. Approve Resolution 2022-09 Re-Authorizing Remote Teleconference Meetings of the Legislative Body of the Town of Discovery Bay Community Services District Pursuant to the Brown Act Provisions.

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

Vice-President Porter second.

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

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

1. Supervisor Diane Burgis, District III Report by Dawn Morrow.
  - The Supervisors' Office is supporting Senate Bill 1065, Abandoned and Derelict Commercial Vessels. This bill will help keep the waterways clean, safe and address the harm that commercial abandoned and derelict vessels cause by creating a Statewide program to fund the inventory, removal, and destruction of these vessels as well as a coordinating council to provide program oversight and coordination of removal efforts.
2. Sheriff's Office Report by Lieutenant Johnson.
  - 392 calls for service, 49 reports, and 23 arrest.
  - Current issue is Property Crimes, Lieutenant Johnson encouraged residents to lock up and secure items.
  - NextDoor post clarified. Three-Four Deputies are scheduled during one shift, someone is always assigned to Discovery Bay 24/7. Recently overtime has been paid to assist in the rise in thefts. Resident Deputy's schedules fluctuate depending upon the needs of the community and type of crimes.
  - Two golf carts were stolen and recovered suspect has been identified; during a traffic stop off of Discovery Bay Boulevard suspect was taken into custody based on drugs and paraphernalia;

one juvenile runaway report; multiple suspicious circumstance report an anonymous and untraceable threat was made to shoot the employees of the Discovery Bay Steakhouse therefore extra patrol and precautions were taken to ensure safety. Kidnapping from Pleasanton - a boyfriend and girlfriend left Tommy T's nightclub, boyfriend kidnapped the girlfriend, drove her to Discovery Bay to his residence, and the girlfriend was able to escape and call police. The girlfriend was taken to the hospital and sustained some injuries. The suspect was taken into custody for kidnapping and assault with a deadly weapon.

- CVS and Safeway are calling when they have shoplifting, CVS reported a man coming in at least forty times within the last two years and has stolen over \$5,000 worth of property. The man came in again this past week and threatened to shoot the employees. The CVS manager was able to follow the man out and got a description of the car and license plate number. Police were able to catch the suspect and retrieve the stolen property, The suspect was charged with robbery due to threats made to the employees. CVS had about five or six additional cases; two suspects were taken into custody, the other three have been identified because of the automated license plate cameras. The suspect's cars have been entered into the system so that the next time they come into Town the police will be alerted. An unnamed store chain in East County - the employees are not allowed to call the police during an active shoplifting in progress. The store doesn't want the police to come, they want the suspect to leave. Employees call corporate to get permission to make a report. Lieutenant Johnson feels that once criminal's figure that out it's going to attract more criminals. Lieutenant Johnson is doing the best he can to encourage changing the policy.
- New Firework Ordinance has been implemented.
- Residential burglary was made from the backdoor of a residence – small safe with valuable items were stolen. Four Catalytic converter thefts reported this month, hard to get these type of crimes filed. A few cases of vandalism of cars typically between a boyfriend-girlfriend dispute and they vandalize each other's cars.

### 3. CHP Report by Officer Donnie Thomas.

- March arrest: 4 DUIs under the influence of alcohol, 1 DUI under the influence of drugs, 2 warrant arrests, 1 arrest for reckless driving, and 2 vehicle releases for unlicensed drivers. Citations – 18 for speed, 2 registration, 1 equipment violation, 1 unsafe passing, 8 warnings given, and 1 stop sign violation.
- Weed abatement issue contact Officer Thomas he has used this issue as a traffic hazards in the past he will get in contact with Caltrans.

President Graves stated the weed issues are from McDonald's to Discovery Bay Boulevard.

### 4. East Contra Costa Fire Protection District Report by Chief Macumber.

- Town of Discovery Bay had 83 calls no real incidents for the Town for the month of March.
- District wide received 749 calls for service which included five residential fires, two commercial fires, five vehicle fires, two vegetation fires, twenty exterior fires, eighteen vehicle accidents, thirteen vehicle accidents with rescue, one vehicle vs. pedestrian accident, two motorcycle accidents, and one bicycle accident.
- Annexation process is currently in a cooling off period, thirty day window from when LAFCO makes the decision if anyone wants to protest it. That window closes next week, there are no known protests at this point. Once the cooling off period is over everything gets submitted to The State Board of Equalization to change over the tax rates. July 1 is the official date of the merger of the ECCFPD into the CCCFPD and part of the CON Fire System. This merger will provide better protection immediately for the Town of Discovery Bay and East County as a whole and will continue to provide increased protection in the future.
- Station 55 will be opening June 1 in Oakley; the engine for the Town of Discovery Bay will be available more for the Town's calls versus running into Brentwood to handle the call volume.
- Looking to start construction at two additional stations over the next six months. The process to build those stations will go out for RFP next week. There will be more increased

service for the entire East County. An arial ladder truck has been purchased and is being built, it is the first one in East County, the nearest truck is in Pittsburg and Antioch. The ALS Paramedics will be beginning to staff the engine in July. The goal is to have within a year Paramedics staffed in all stations of East County.

- All are encouraged to attend the Fire Board Meeting, which will be held virtually on Wednesday, April 13, 2022, at 6:30 p.m.
- Wildland season is here - warm and dry conditions cause an “atmospheric hair dryer” to occur. The ECCFPD Prevention Bureau is encouraging weed abatement, letters will be going out soon to property owners about weeds and a secondary letter will be going out to habitual problems for certain properties around the district. Chief Macumber is encouraging residents to do weed abatement now and during the morning time. Starting July 1 weed complaints will be through The Contra Costa Hotline as was done years previously.

President Graves inquired on the ability to have concerns that are shared with The Town of Discovery Bay’s Board be shared with The CCFPD Board in the future. Chief Macumber commented that The Board of Supervisors of Contra Costa County Fire Board has monthly meetings that all are open to attend virtually. In addition, there will still be representation that will continue to attend meetings by the on duty Battalion Chief who will be assigned to attend those meetings.

Director Graham commented on the dead trees and bushes along Highway 4. Caltrans was contacted last year about removing the dead weeds along with the Fire Marshall from ECCFPD but unfortunately those calls didn’t get far. Chief Macumber acknowledged the concern and encouraged the Board to continue contacting Caltrans along with the Fire Marshall. Dawn Morrow commented that The Supervisor’s Office will also report on this item as well.

## **E. PRESENTATIONS**

1. Presentation from the Contra Costa County Planning Commission District 3, Bob Mankin Regarding the General Plan Amendment Application for 170 Residential Units Discovery Bay Boulevard at Sand Point Road, Discovery Bay CA 94505.
  - TRANSPLAN – E-BART extension in Antioch connecting to Transit Center in Brentwood near Sand Creek and Highway 4 industrial park is being planned.
  - Highway 239 Caltrans Project connecting to Highway 205 in Tracy is in the early stages of planning, potentially three routes are under consideration. The approximate budget for this project is \$2.5B, no monies have yet been identified.
  - Citizen Advisory Committee Meeting – regular conduit between The Community and the Sherriff, meetings are held twice a year and the community is able to attend virtually. General Plan Amendment - formative guideline for projects and applications for growth. The public is encouraged to contribute public comments on what they want to see in the community. A stoplight will be installed at the corner of Bixler and Point of Timber Road.
  - Two major refinery updates – Martinez and Rodeo converted to using renewable feedstock to produce diesel. The Rodeo Refinery will be the largest Renewable Diesel Refinery and it will be able to produce 80,000 barrels per day.

President Graves inquired about the property across the street and asked Makin to explain the administrative process and timeline. Makin explained currently there isn’t a formal application, just preliminary talk; however, the County is pro-controlled growth, the lot is zoned commercial, there is a draft letter that list the property as mixed use, previously in the past there was push back and therefore may not go forward.

Vice-President Porter inquired how to attend Board of Supervisors Meeting in order to express concerns over the infrastructure and how that infrastructure could be supported. Vice-President Porter commented on the upcoming April 12<sup>th</sup> meeting.

Dawn Morrow recommended viewing the December 7, 2021, meeting that provides further education on the RENA process. The public may be able to express their interest in person at The Board of Supervisors Meeting and may also send an email to any and all Supervisors, attend via zoom, or call

in-participation; link will be provided and will be placed on Town of Discovery Bay website for the public.

## F. **BUSINESS AND ACTION ITEMS**

1. Approve Letter to Supervisor Burgis Regarding the General Plan Amendment Application for 170 Residential Units Discovery Bay Boulevard at Sand Point Road, Discovery Bay CA 94505 - Vote NO By Assistant General Manager Mike Davies.

- Supervisor's Office shared Supervisor Agenda that included request to begin an application process for a three-story, 170 unit building on the Hoffmann Property. Some residents received a letter regarding the lot line adjustment by Hoffman Holding Property which is a separate issue. Staff composed a draft letter for the Board's consideration to Supervisor Burgis regarding the significant and negative impact on traffic, schools, and emergency services.

Vice-President Porter advised the letter should go to all Supervisors and recommended sending representation from Town of Discovery Bay Board to make public comment at the Board of Supervisors Board on this agenda item. Attorney, Andy Pinasco confirmed the delivery of the letter to send along with one of the Directors.

Four Public Comments:

- Resident is encouraged that the Board does not support the project as there are no government services and not ideal for Bay Area Commuters. Resident recommends the Board look into the Town of Discovery Bay becoming an unincorporated city.
- Two long-term residents recommended that the process, steps, and actions become more transparent and posted on the website.
- Resident expressed concern over receiving a letter and not having enough time to respond and also expressed concern regarding Landscaping issues.

President Graves confirmed that all correspondence listed on Agenda follows compliance with the Brown Act and that there are no outside meetings taking place that the public is not aware of.

Director Callahan made a Motion to send letter to Supervisor Burgis Office and also send Board representative to make public comment on the lot line adjustment item. President Graves amended the motion assigned Vice-President Porter to present and deliver the letter during public comment virtually. Vice-President Porter second.

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

2. Discussion and Possible Action to Approve the Notice of Completion and Final Payment for the Community Center Pool Area Synthetic Turf Report by Bill Engelman. No Public Comment.

- Invoices have been submitted takes 60 days for finalization, no outstanding items, punch list items have been completed and the project came \$10K under budget.

Director Graham made a Motion to Approve the Notice of Completion and final payment for the Community Pool Synthetic Turf Area.

Director Callahan second.

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

3. Discussion and Possible Action to Adopt Resolution 2022-08: Opposition to Ballot Initiative #21-0042A 1. Resolution is in support of the Opposition of Ballot Initiative #21-0042A1.

- Attorney, Andy Pinasco confirmed the impact of water rates and wastewater rates it redefines the tax, water rates are subject to public vote and provides wider birth to challenge those rates. This initiative would allow the public to attack the rates years into the future and put us at a risk. Currently, we adopt those rates in accordance with the engineering plan with a 5 year outlook at what the District will be doing operationally which will impact the Town. The Town will have to

prove each cost. If the ballot passes in November, it can go back to January if our rates don't comply with this law.

Vice-President Porter made a Motion to Approve Staff's Recommendation to Adopt Resolution 2022-08 in Opposition of Ballot Initiative #21-0042A1.  
Director Graham second.

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

4. Discussion and Possible Action to Cast One Official Ballot Vote for a Candidate Running for a Special District Member Term of Office on LAFCO to May 2026.
  - Ms. Patti Bristow is a long time resident of East County and is devoted to the improvement of East County. Ms. Bristow made a presentation to the Board and she currently sits on the Cemetery District. Staff recommendation is to authorize President Graves or Vice-President Porter in his absence to cast a vote for Patti Bristow.

Director Graham made a Motion to Approve President Graves cast a vote for Patricia Bristow for LAFCO.

Director Callahan second.

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

#### **G. MANAGERS REPORTS**

None.

#### **H. GENERAL MANAGERS REPORTS**

General Manager Breitstein reports:

1. General Manager Breitstein attended the Lions Club Meeting and received a donation check in the amount of \$10,000. These funds will be used for the Community Center purchase of umbrellas, chairs, and tables for the pool area.
2. Pipeline project on Discovery Bay Boulevard and Edgeview Drive will begin next week.

#### **I. DIRECTOR'S REPORTS**

Standing Committee Reports.

1. Internal Operations Committee Meeting (Committee Members Michael Callahan and Carolyn Graham) April 6, 2022.
  - Directive from the State SB114 to provide additional COVID benefits to companies who have 26 employees. The Town will be crossing that threshold soon.
2. Finance Committee Meeting (Committee Members Kevin Graves and Bryon Gutow) April 6, 2022.
  - Presentation from Bond Team. By May 20th should be able to secure a bond to lock in interest rates. Presentation coming to the Board on April 20, 2022, meeting.
  - Reviewed draft budget for the next 6 months of the year.
  - Parks and Recreation funding for Clipper proposal is being prepared for Board to review.
3. Water and Wastewater Committee Meeting (Committee Members Kevin Graves and Ashley Porter) April 6, 2022.
  - Diffuser project approved.
  - Materials will be pre-purchased, will come to Board due to costs.
  - Project out to bid for contract within the next 30 days.

#### **J. DIRECTOR'S REGIONAL MEETING REPORTS**

1. None.

#### **K. CORRESPONDENCE RECIVED**

1. None.

#### **L. FUTURE AGENDA ITEM(S)**

1. None.

**M. OPEN SESSION DISCOLUSRE OF CLOSED SESSION AGENDA**

1. None.

**N. CLOSED SESSION**

1. None.

**O. RETURN TO OPEN SESSION; REPORT ON CLOSED SESSION**

1. None.

**P. ADJOURNMENT**

1. Meeting adjourned at 8:55pm to the Next Regular Board of Director's Meeting, beginning at 7 PM 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."

//ag 04-12-22