

**BRADFORD RECLAMATION DISTRICT 2059**  
**Meeting Minutes**

**Time: 10:00 AM Tuesday, December 13, 2016**

**Location: Antioch Fair Grounds**

**1201 West 10<sup>th</sup> St Antioch, CA**

**Board President:** Rob Davies  
**Trustees:** Michael Craig  
Bill Hall – absent  
Gill Orozco  
James Folsom

**10:04 A.M. Convene, Call to Order, and Determine a Quorum**

**PUBLIC COMMENT**

Landowner Karen Cunningham is present and she has a copy of the Delta Levee Investment Strategy risk-assessment results. Karen states she has them if anyone would like a copy. She noted that the assessment ranked Bradford Island as a potential “high” risk to water quality, should there be an Island levee failure.

**CONSENT ITEMS (Items listed as C.1 through C.4 on this Agenda)**

**APPROVED**--M/S/P by Craig/Folsom with all in favor and zero opposed to approve all consent items as presented.

**C.1 MEETING MINUTES: APPROVE Board meeting minutes.**

RD 2059 Meeting Minutes for 10/04/2016

**C.2 PAYROLL: APPROVE Appropriation warrant for \$5,000.00 to deposit into the Payroll account.**

Attachments: Payroll documents

**C.3 GENERAL WARRANTS: APPROVE Warrants for General Expenses/Work Agreements**

Attachments: Board of Trustees goes over the List of Warrants

**DISCUSSION ITEMS**

**D.1 CONSENT AGENDA: DISCUSS/POSSIBLE ACTION on Consent Items removed from Consent Agenda for Discussion.** No items were removed for discussion.

**D.2 DEPARTMENT OF WATER RESOURCES: DISCUSSION/POSSIBLE ACTION**

- a. District Engineer Blake Johnson gave a report on the Temporary/Emergency Salinity Barrier (“Barrier”). Blake stated there is no news to report, the last response from DWR’s Staff Member, Linus Paulus, is that there are no current plans to install the Barrier.
- b. Blake reported on developments in the Mitigation Site Clean-up matter. He is still trying to coordinate with Patty Frinfrock at DWR for DWR’s recommendations and implementation of initial clean-up activities.

c. Discuss, Consider and Execute Signatures on the Delta Levee Maintenance Subventions Program Work Agreement for Fiscal Year 2016-2017: APPROVED--M/S/P Orozco/Craige with all in favor and zero opposed.

**D.3 ENCROACHMENT PERMITS: RECEIVE report from District Engineer; DISCUSSION/POSSIBLE ACTION regarding Encroachment Permit request(s) from:**

- a. Ross Island –District Engineer Blake Johnson reported that Ross Island, Inc. is a contractor that works for the Army Corps of Engineers and the Port of Stockton. Ross Island has applied and received a permit on several occasions to place dredge material on the Port of Stockton property. Blake reported that Levee Superintendent, Smith Cunningham, performed on-site monitoring and inspection of the activities during the project. Blake reported Ross Island Inc. dredged more material than they had originally anticipated. There was a large amount of water deposited on the Island as a product of the dredging process, which drained toward the center of the island and onto adjacent properties.

President Davies reported his lake level rose 19” and his entire property was flooded. Pr. Davies noted that Smith Cunningham’s field is also flooded.

Levee Superintendent, Smith Cunningham reported he spoke with the Superintendent on the project, and the Superintendent stated that any complaints should be taken up with the Army Corps of Engineers, and that they (Ross Island) had the right to work on the Port of Stockton property. Smith reports that there is a lot of silt in the District ditch as a result of this project. Smith reports that his property is also flooded. Smith stated that they were using the whole levee to run their tractors around and run pipe. Smith noted that they (Ross Island) did repair everything to its original state.

The Board directs the District Engineer to make a phone call to Ross Island management to discuss the problems the District and the surrounding landowners experienced as a result of this project.

**D.4 REVIEW & CONSIDER FOR Approval: Response to Grand Jury’s “Delta Levees in Contra Costa County” report:** The Board discussed the response to the Grand Jury’s report on “Delta Levees in Contra Costa County,” prepared by District legal counsel. The Contra Costa Grand Jury prepared a report and made many recommendations to all in-county reclamation districts. These recommendations generally regarded consolidation, pooling of resources, and forming a workgroup to disseminate information. The proposed response letter was APPROVED—M/S/P by Folsom/Craig, with all in favor and zero opposed to adopt the response and approve sending it in letter form to the Grand Jury.

**D.5 DIVISION OF FLOOD MANAGEMENT: DISCUSSION/POSSIBLE ACTION**

- a. District Engineer, Blake Johnson, reported on upcoming opportunities to apply for a Flood Emergency Response Grant. Blake reported that this project is still on going and the underlying mapping has not been finalized.

- b. Blake then gave a report on the District Flood Management Plan for upcoming winter season. He is working with DWR and OES to try and obtain the muscle wall provided to the District when the King tides posed a threat to the District's levees during the placement of DWR's Emergency Salinity Barrier in West False River in 2015. Blake asks the Trustees to keep an eye on the water level due to the fact that they are releasing water from reservoirs upstream. Tr. Craig stated he heard a discussion regarding placing a berm or splash cap on the levee through the low areas. Blake stated the District has to be careful in doing that if the District is planning to install the muscle wall at a later time.

## **D.6 DRAINAGE DITCH**

- a. Levee Superintendent, Smith Cunningham, reports that he has nothing to report, other than the general status of District ditches in his Superintendent's Report.

## **D.7 REPORTS: DISCUSS/POSSIBLE ACTION**

### **a. District Secretary:**

1. Financials – M/S/P by Folsom/Orozco with all in favor and zero opposed to pay the \$40,317.06 for payment toward the District's loan with Bank of Stockton for the pump station rebuild. The District Manager goes over the financials with the Board. The Financials contain:

- Profit and Loss Report, Bank Balance, Outstanding Debt Report, Outstanding Delinquent Assessments Report, and a Current Budget Report.

### **b. Levee Superintendent**

Report on current Maintenance Projects – Smith Cunningham reported the following: The District ditch is cleaned to the north. There is some beaver activity observed: There is a beaver dam in the east-west ditch, in the south west, and also by the Hoover property gate. There is enough money in the budget to do some more ditch cleaning.

Smith reports he told the Hoovers that they needed a permit from the District to conduct the work that is going on at their property. The District Manager, Angelia Tant, stated she informed the Hoovers that any work or project that touches the District's levee needs a permit from the District and requested that the Hoovers contact the District Engineer to work with him on the details of what was required. The District Manager will work with the Levee Superintendent to obtain details and photos of the project and issue the Hoovers a "stop work order" until a permit is obtained.

Smith then reports that Mr. John Norment has continued to work on his driveway project, for which the District issued a permit: The work performed is not to District standards, and he, as Levee Superintendent, will not be able "sign off" on the work performed. The work performed does not conform with the scope of work outlined with the approved permit. Also, the work resulted in debris and nails left on the levee from the project work.

The District Manager will prepare a letter to the landowner, informing him that the project is not in compliance with the original plans submitted, and is therefore in violation of the permit.

**c. Engineer**

1. Levee Cracking – Levee Superintendent, Smith Cunningham, and District Engineer, Blake Johnson, performed some repair work on these cracks. Each feel that as of now, the levee is in good shape.

2. Delta Levees PSP application – This item was removed for discussion, as there is no application at this time.

3. Update regarding the PG&E pole-raising activities – PG&E contacted the District in October/November regarding raising the elevation of the utility poles on the Island. PG&E provided some preliminary sketches of their plans. Blake reported that PGE needs to work with the individual, affected landowners, particularly the ones around the pump station. He has requested that PG&E keep the District informed as to their correspondence and efforts with the landowners. The utility poles at issue are located near the Kuhne and Cunningham properties. Blake reported that discussions with PG&E and any plans are preliminary at this point, and will require further discussion. District Legal Counsel, Mia Brown, stated that she feels that this is a good team of PG&E staff, and they appear to be eager to get this project going. More firm plans as to raising or relocation of the poles will be supplied as PG&E and the District work together to resolve the issue.

**d. Delta Ferry Authority Representative**

1. Update on Victory II Re-powering project – Pr. Davies, DFA Representative for the Island reports:

The last DFA meeting was three (3) weeks ago, and the Ferry is working great now. The DFA approved sending a bill to DWR for the most recent work performed as a result of damages to the Victory II Ferry incurred in transport by tugboat to Alameda for the repowerment work. The damage was caused by the tugboat, and the DFA will have the necessary repairs made and a bill submitted to DWR for reimbursement. Pr. Davies stated the DWR paid for approximately 90% of what the DFA determined as DWR-responsible costs thus far with respect to the Ferry repowerment. The total amounts paid by DWR for the project thus far total a little over \$900,000. Rust was discovered on the Ferry when it was in drydock for the repowerment. The DFA is hiring a company to address the rust issue. Pr. Davies states that as a result of the temporary replacement ferry, the Real McCoy, not being certified and therefore not being able to charge for passage, the District “lost” the revenues from 418 ferry trips, which total \$3,239.50. Frank Galindo, owner of the Real McCoy has indicated that he will pay for the District’s lost ferry revenue. Pr. Davies requests that the District Manager to send a bill to the DFA in the amount of \$3,239.50 for reimbursement. Tr. Folsom asked if the District has had any discussions with the DFA about how to cut Ferry expenses. The Trustees discuss the overtime worked at the DFA. The Board would like to request the DFA to shorten the hours from 8 AM – 4 PM to avoid overtime and cut one (1) day a week which would be on Wednesday. Mia states that the District can make suggestions to the DFA, but the District cannot make any decisions on whether to cut days or if so, which days to cut, etc. because this is not an item on today’s meeting agenda. Mia expresses that the letter should request that DFA add this as a

discussion item at the next meeting, for discussion of Cost Saving Strategies for the Ferry. The suggestions might include cutting one day of service, reduce overtime, and any other cost savings strategies. Landowner Cate Kuhne makes a public comment that January is flood-watch season and that she would like to know how the District will handle this and other island issues if the District is not planning to have a board meeting in January. Pr. Davies stated that Smith Cunningham, Levee Superintendent, will continue to do the levee patrols and inspections, and if an emergency arises a special or emergency meeting can be called. Pr. Davies states that the Board decided to cut the meetings back, when possible, in an attempt to save money.

**e. Attorney**

1. Report by Mia Brown – The Delta Levee Subventions program is slated to “sunset” in 2018, but most analysts and Delta Levee Investment Strategy Program staff believe that it will be renewed, and will not actually be terminated. Mia announced that there will be an upcoming meeting at the Stockton Civic Center at 9 AM on Friday the 16<sup>th</sup> of December regarding SWRCB’s “Substitute Environmental Document” for the Bay Delta Plan Amendment, where interested parties may make public comments. An annual Brown Act Training will be conducted for Trustees at the February meeting. Paul Sosnowski’s tax payment plan with the County is set to expire, the District will be checking with the Contra Costa County to see what the next step with this process will be, in getting those properties placed on the list for the County’s tax sale.

D.8 The Board goes into Closed Session at 12:12 p.m., : Conference With Legal Counsel— Pending Litigation (Government Code section 54956.9(d)(2)):

1 potential case: Claim by Scott and CJ Kuhne

Public Comments: Cate Kuhne announces that she is present at the meeting to answer any questions the Board may have regarding this item.

The meeting returns to open session at 12:49 p.m. Report from closed-session: The board has decided not to act on the claim at this time, to allow the District to work with the claimants for resolution; and the Board authorizes District legal counsel and engineer to work with the claimants on this matter. M/S/P to do so by Folsom/Criag/Orozco/Davies with all in favor, and zero opposed, Tr. Hall was absent.

Landowner Cate Kuhne asks when the engineer will be contacting the landowner. The response from Mia is that she doesn’t know. Mrs. Kuhne expresses that this answer is not acceptable. Mia explains that she and Blake can touch base immediately after the meeting.

**D.10 TRUSTEE COMMENTS – No Trustees Comments**

**ADJOURNMENT at 12:51 P.M.:** Next meeting to be held February 07, 2016