

BRADFORD RECLAMATION DISTRICT 2059
Meeting Minutes for the Regular Board Meeting
Tuesday, June 26, 2018 at 10:00 AM
Location: Antioch Fair Grounds
1201 West 10th St Antioch, CA

Board President: Rob Davies
Trustees Present: Michael Craig
Bill Hall
James Folsom
Brian Elliff

10:08 A.M. Convene, Call to Order, and Determine a Quorum. Other's Present: Engineer, Blake Johnson, P.E., Levee Superintendent Smith Cunningham, Attorney, Katie Lucchesi, District Manager/Secretary, Angelia Tant is taking the meeting minutes. Landowners Present: Cate Kuhne, Karen Cunningham, Gene Lewis and Ester Lewis.

Adding a late agenda item: M/S/P by Folsom/Craig with all in favor and zero opposed
Item came up after the agenda was posted to get the documents to the auditor. The Board found that there is a need to take action on this item sooner than the next Board meeting and unanimously voted to add this item to the agenda.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Karen Cunningham expresses that she wanted to discuss people trespassing. Karen expresses that the Nurtria subject is not on the agenda and expresses that it is very important to everyone on the island. Tr. Elliff expresses that he heard that there where groups of people coming out to the island to study the nutria. Karen expresses that these were the trespassing bird watchers.

CONSENT ITEMS (Items listed as C.1 through C.3 on this Agenda) – M/S/P by
Craig/Folsom with all in favor and zero opposed to adopt the consent items:

- C.1 MEETING MINUTES: APPROVE Board meeting minutes.**
Attachments: RD 2059 Meeting Minutes from March 6, 2018 and May 1, 2018
- C.2 PAYROLL: APPROVE Appropriation warrant for \$5,000.00 deposit to Payroll account.**
Attachments: Payroll documents
- C.3 GENERAL WARRANTS: APPROVE Warrants for General Expenses/Work Agreements**
Attachments: List of Warrants

DISCUSSION ITEMS

D.1 CONSENT AGENDA: Items removed from Consent Agenda for Discussion. There were no items removed

D.2 FERRY MATTERS:

a. President Davies reported that there is a new Ferry Captain. The deck hand went to school and obtained his ferry license and has been promoted. There was a discussion related to rough driving of the ferry, improper securing, and timeliness of take off. Pr. Davies discussed necessary ferry repairs. Karen Cunningham expressed that the ferry captains are still allowing passage for cash rather than requiring a pass. Pr. Davies expresses that the Valero Gas and Save needs to do a better job at calling Angelia ahead of time and letting them know that they are out of tickets.

D.3 FRANKS TRACT PROJECT:

a. Feasibility Report has been issued for Franks Tract – Blake states that he can provide a link to the new Franks Tract restoration project report. The State plans to place channels in the marsh to allow for the materials to flow in and out. There will be a salinity barrier put in similar to the one installed in 2015. Blake reports that they attended some meetings and there was a feasibility study done for Metropolitan water that support that these projects are feasible. Blake expresses that he will speak with Carl regarding this project and he will report back to the Board. Blake recommends that we should start getting our information together now to provide comments for the 2020 EIR.

D.4 FIVE YEAR PLAN:

a. Five Year Plan Update – Blake reports that anyone whom applied for this grant will get it. The District applied for this grant to update its plan that was prepared approximately 5 years ago and we should get it. The State has been focused on the Subventions Guidelines and it appears that Subventions will sunset back to 50/50 cost share. Blake reports that they are attempting to keep it at 75/25 share of cost. Smith expresses that there is a special project funding agreement coming up and Blake expresses that he will look into it.

D.5 LEVEE IMPROVEMENT MATTERS:

a. Receive update from Levee Superintendent Smith Cunningham expresses that we are on a levee Construction.

b. **Seepage along the Northern side of the island** - Pr. Davies inquiries about the seepage on the Northern side of the island near Smith Cunningham's property. Blake expresses that during the recent construction of the Berm that he recognized water was seeping out near Kuhne's property, Cunningham's property and the former Mariani's property. Blake expresses that the soil is wet, there is standing water, it's muddy and saturated. There is water ponding at the toe of the levee. Blake reports that he brought it up with the State and they sent him back a questionnaire.

Blake expresses that we may need to consider it an emergency and contact the Office of Emergency Services. Blake reports that the District can work with the State and County to see what assistance they have.

There is a brief discussion on the State paying for the raising of the house and putting pilings into the levees. Engineering calculations were required for DWR to approve this project under BR-10-1.0 and the former District Engineer never provided these. The District Manager finds a historical set of meeting minutes from September 2, 2014 that gives some historical data on this subject matter and they are emailed to Blake Johnson for his review.

Based on the above discussion, the Board finds and declares the seepage issue is an emergency and directs the District Engineer to contact DWR and the Office of Emergency Services for assistance: M/S/P by Hall/Folsom with all in favor and zero opposed.

The Board also assigned a Seepage Committee to follow this issue:

- President Robert Davies
- Smith Cunningham
- Blake Johnson
- Angelia Tant liaison for emails, contacting agencies, coordinating meetings and taking meeting minutes.

D.6 CONSTRUCTION AT KUHNE PROPERTY:

a. Review and consider work completed and authorize final payment to McVey General Engineering – Blake states that McVey has completed its work and he has reviewed the site. Pr. Davies inquired whether they found the black walnut trees to plant and the response was “yes” from Blake. Pr. Davies asked Cate Kuhne if they were happy with the work and she replied that she was very happy. The Kuhne’s even plan to individually hire the contractor to do additional work on their property. Blake reports that the only pending item is removal of the porta potty. Blake is recommending that the final payment to McVey Engineering be approved today.

M/S/P by Hall/Davies with all in favor and zero opposed to approve the bill for payment for \$86,126.75 to McVey Engineers. Angelia will go to the County today and get this check recorded today.

D.7 RDA OVERSIGHT BOARD ELECTION:

a. LAFCO – Ballot for Special District Seat – The Board has opted not to vote due to them not knowing any of the candidates.

D.8 2018/2019 ANNUAL BUDGET:

a. District Annual Budget update – There is a Year-End-Budget provided to the Board of Trustees for review. The report shows the adopted budget vs. the year-to-date spent and the variance on if we are over or under budget in the report.

b. Budget Committee appointment – Trustees: Craig and Folsom, and Angelia will meet and prepare a budget for discussion at the July Board Meeting.

D.9 ANNUAL ASSESSMENTS:

a. Resolution 2018-04 certifying annual assessments, authorizing collection on the County tax roll. **Tabled to July Meeting.**

D.10 BRADFORD ISLAND ACCESS ISSUES:

a. Natural Resources Conservation Service request for access – Angelia inquires with Karen Cunningham if she would like to assist with explaining what this is due to her expressing that she spends time in this agency's office and corresponds with them. Karen expresses that this is a Federal Agency that is requesting permission to access the property to conduct studies on the Mitigation Site.

M/S/P Craig/Davies by with all in favor and zero opposed to allow access to the Mitigation Site property. Karen Cunningham makes a request that the place Smith Cunningham's phone number on the form for the point of contact for access.

b. Public Members on Bradford Island: Bird watchers accessing the island – Pr. Davies expresses that there are signs where you get on the ferry and off of the ferry that says No hunting, no fishing and no trespassing. Smith expresses that they have argued with at least four (4) to five (5) people that this is a private road. Karen expresses that they found a rare bird on the island and now there are more people coming out. Tr. Elliff expresses that he researched the bird by googling Contra Costa County rare bird and a small finch (Bells Vireo) showed up. Cate Kuhne expresses that the ferry is a public transit and the Island road is a private road. The board would like to investigate where the District stands in a legal perspective. Attorney Katie Lucchesi expresses that the District would have to open it up to the public's use. The District has not opened it up for public use, so there is really no access for the public. Cate Kuhne expresses that the State owns the Mitigation Site and this is in a conservation easement. Katie will prepare a memo and reach out to the DWR to inquire with whether they have given access to the public at the mitigation site.

D.11 ENCROACHMENT PERMITS:

a. Report from District Engineer; regarding Encroachment Permit request from John Norment. Blake describes Mr. Norment's request to build a stand and stairs where he would like to install PGE. To complete the project he will have to get permits from other agencies. Blake recommends that the District approve the encroachment permit to let him build the stand. M/S/P by Craig Hall with all in favor and zero opposed to allow for Mr. Norment to go through with his permit application. The permit number that will be assigned will be 2018-01 and Blake will sign off on this permit.

D.12 REPORTS:

a. District Secretary:

1. Financials & District Manager's Report
 - List of Warrants issued from the last meeting to June 26, 2018
 - Warrants and warrants list for approval at today's board meeting
 - Profit in Loss built into the Annual Budget

b. Levee Superintendent

1. Smith Cunningham Reports on general maintenance activities – Smith reports that everything seems to be ok. The only issue could be the sign that marks the gas is leaning. There is also a hole on the landside near President Davies place.

c. Engineer

1. Subventions for 2018/2019 – The District submitted our 18/19 application. Blake reports that the District is waiting to hear on if the payment percentages will change. Currently it is 75/25.

2. Emergency Action Plan – Blake would like to email this to the trustees and get different comments on this prior to the approval of the plan.

d. Attorney – Late agenda item added here.

An item came up after the agenda was posted to get the District's documents to the auditor's office in Stockton. Due to the quantity of documents to transport, shipping would be very costly. Therefore, Christian Henriquez offered to drive the documents to Robert Gross', the District's Auditor, office in Stockton for a flat rate of \$100.00. Motion to allow Christian Henriquez to courier the District documents to the auditor in Stockton: M/S/P by Folsom/Craig with all in favor and zero opposed.

D.13 Open Session Disclosure regarding Closed Session Items pursuant to Government Code Section 54957.7

D.14 CLOSED SESSION: Conference With Legal Counsel—Pending Litigation (Government Code section 54956.9(d)(2)):
One potential case: Claim by Scott and CJ Kuhne

D.15 RETURN TO OPEN SESSION 12:50: Public report of action(s) taken in Closed Session (Government Code section 54957.1) There was no reportable action.

ADJOURNMENT: Next meeting to be held **Tuesday, July 24, 2018 (Budget Committee at 9 AM) Regular Meeting at 10 AM.**