

**REGULAR MEETING OF THE BOARD OF
THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT
BETHEL ISLAND, CALIFORNIA
3085 STONE ROAD
BETHEL ISLAND, CALIFORNIA**

DATE: MARCH 9, 2023

The Bethel Island Municipal Improvement District met in a regular session located at 3085 Stone Road, Bethel Island, CA at 6:30 p.m. Upon roll call, the following were found to be present: Directors: Bruce Smith, Anthony Berzinas, and Tom Knorr, Jr. Jeff Twitchell and Mark Fortner from GEI, Attorney Dave Larsen and District Manager Regina Espinoza were also in attendance. Directors Lisa Kirk and Vignesh Rama were absent.

BOARD DISCLOSURE OF POTENTIAL APPEARANCES OF CONFLICTS OF INTEREST

Directors Smith and Berzinas stated they would recuse themselves if there was a vote on the Taylor Road Drainage Project under Item 6A. Director Knorr, Jr. had no conflicts.

CONSENT CALENDAR

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to approve the minutes of the Regular Meeting on February 9, 2023. The vote showed three directors in favor (Directors Kirk and Rama were absent). Motion carried.

ANNOUNCEMENTS

President Smith stated for everyone to be safe out there with the atmospheric river storms that are coming through at this time.

PUBLIC COMMENT

None.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza stated staff is still working on the Taylor Road project and should receive word on the potential funding soon. As in previous meetings, staff will still be working with property owners to receive information for the County. District Manager Espinoza stated property owners should send pictures of any water backing up onto properties. Staff is also working with the County on identifying the locations of the different culverts that the County needs to be working on.

District Manager Espinoza asked if there were any questions for the Northwest Levee Seepage Study.

Director Berzinas stated it will be good to have an update on the Northwest Levee Project seepage study, but he would like it to be done in person and not on the phone.

Ms. Lori Castillo, at 3494 Stone Road, has had six pumps running every day since mid-December. The County has not responded to several emails that she has sent. The Flood Control Department states that the island is not flooding but does have excess water. She went to the Planning Commission and found a map of her property where it shows there was a ditch all along Stone Road but was removed, marked in red. There is drainage on the other side of the road for Delta Coves. She questioned how water and seepage is supposed to get across the road.

Some members of the Board gave possible solutions.

Mr. Scott McKenzie, at 3358 Stone Road, asked if the walk through with the County of the ditches and culverts has been completed.

District Manager Espinoza stated the walk through was completed with the assistance of the District. The walk through was with the County Public Works Department and Flood Control staff. The afternoon was spent going to the different locations that residents have identified as problem areas. The County noticed there are several locations that were identified by all the calls and submittals from residents and that there were a number of issues. The District has not received any information or follow up from the County since the walk through.

Ms. Jean Wise, at 3946 Stone Road, asked who has paid for the two culverts that were installed on Stone Road over the last couple of years.

Mr. Mark Fortner stated the culverts started with the Northwest Levee Project. Delta Coves helped finance and install DI's between the road and the levee. Those DI's were installed two feet below grade so that property owners could connect into the DI's.

District Manager Espinoza stated it is working well in those two locations. There was the second part in working with the residents so they could connect their private systems into the inlets so that it could go into the BIMID system. It took cooperation from the County, Delta Coves and the residents to collaborate together to tie into the system at the same time.

Mr. Scott Burns, at 3366 Stone Road, asked if it's BIMID's responsibility to maintain the ditch once a ditch is established by the road.

Director Berzinas stated no and it is a misunderstanding concerning the ditches on private property.

President Smith stated BIMID's ditches/canals are the ones that are used to pump water off the island.

A gentleman asked if high-capacity water pumps could be used through the dry hydrants to remove the excess stormwater.

President Smith stated there are permits that specifically identify where stormwater can be pumped out. This would be the pump stations that are located on Taylor Road.

There was a question as to whether the permit could be modified,

Director Berzinas stated the pump stations are controlled by the County and didn't think it could be modified.

President Smith stated adding another discharge point would not be an easy task.

Director Berzinas stated it would be irresponsible for the District to divert funding that is for the maintenance of the levee

After much discussion, an agenda item will be added to discuss specific funding sources, under the Drainage item on the agenda, with specific funding source, engineering, costs and changing areas of responsibility (i.e., floating a bond or assessment district). There would need to be a continuous funding source for drainage issues that are not available now.

Ms. Lori Castillo stated BIMID is the resident's voice to the County, along with BIMAC, and no progress has been made. BIMID and BIMAC need to talk to the County to get these issues resolved.

Director Berzinas recommended a special joint meeting with BIMID and BIMAC for a discussion of options for drainage of private properties. There could be a joint recommendation or solution that could be presented to the Board of Supervisors.

Director Knorr, Jr. stated he agreed with some of the solutions that were discussed. Another option would be to re-establish the ditch that was in

between properties on Stone Road for the low spots to the culverts that cross the road.

UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

SHEETPILE PROJECT – FIVE YEAR PLAN

No update.

EMERGENCY PLANNING REVIEW

District Manager Espinoza stated a few meetings back, there were discussions on updating the evacuation routes and looking for rally points on Taylor Road and to include Delta Coves as another rally point for evacuation planning. There are discussions with Delta Coves to see if they would be interested in being a rally point.

CONTINUED DISCUSSION OF PARK SAFETY ISSUES

Director Berzinas asked if the barbeque pits have been taken out.

District Manager Espinoza stated not yet, but they will be taken out soon.

NEW BUSINESS

CONSIDERATION AND REVIEW OF COCOCO AGENCY COMMENT REQUEST CDDP23-03001 AND SD23-09644 COMMENTS FROM DISTRICT'S ENGINEER

Mr. Jeff Twitchell (GEI Consultants) stated, from an engineering perspective, he didn't see any significant issues with Delta Coves Parcel C and D. His biggest concern is the slurry wall; it has a wider clay cap and the drainage needs to be kept off of it. If there comes a time that the slurry wall needs maintenance or to be replaced, then BIMID will need to be able to access it; encroachments need to be kept away from the slurry wall.

President Smith asked Mr. Twitchell if he felt comfortable with the comment and if they are incorporated in the plans from an engineering perspective.

Mr. Twitchell finds the plans acceptable with the changes. These are preliminary plans and not final plans; but the final plans need to state that BIMID must be notified 72 hours in advance of any ground disturbing activities including excavation and backfilling operations within 12 feet of the centerline (24 feet total width) of the existing slurry wall.

Director Berzinas asked if the conditions will be included in the homeowner deeds.

Mr. Owen Poole stated it will be located in the HOA documents of the public right-of-way for BIMID.

Director Knorr, Jr. stated there was a lot of water coming off that lot that eroded something on that corner where the water would run down the street onto Windsweep and Gateway. He would like to know what has been done to alleviate the problem.

Mr. Owen Poole stated fourteen bio-swales have been placed to fix the problem.

District Manager Espinoza stated the Board needs to accept or comment on the engineer's comments in order for staff to submit the comments to the County.

Director Berzinas asked if the plans will be resubmitted to BIMID once the plans are finalized, regardless of changes.

Mr. Owen Poole stated that all comments from the County, BIMID, and BIMAC will be collected and sent to the County Planner for another review.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to accept the BIMID Engineer's comments for the Contra Costa County Agency Comment Request CDDP23-03001 and SD23-09644 for Delta Coves Parcel C and D of Tract 6013 preliminary plans and authorize staff to submit the comments to Contra Costa County. The vote showed three directors in favor (Directors Kirk and Rama were absent). Motion carried.

VARIANCE HEARING FOR 3171 WILLOW ROAD WEST ROAD

District Manager Espinoza stated the property owners have submitted a Project Application and would like to demolish and reconstruct the home within the sixty (60) foot levee setback. The property owners have noted that the reconstruction will be placed in the current, existing location, keeping the structure as non-conforming. The property owners were notified that a Variance Hearing would be required. The BIMID Engineer has submitted his comments. The engineer noted the crown elevation is at 10.4 to 10.2 and drainage should discharge beyond the levee toe and have positive grade to drain to the street.

Ms. Kara Johnston stated the property is a triangular shaped lot. The house can't be salvaged and that is why they would like to remodel. She is hoping to keep it round. There is a five-foot setback on the sides of the

property and moving the house back would mean the diameter of the house would get smaller.

Director Berzinas stated with the same concrete foundation the house will still be encroaching into the levee. It would be irresponsible of the District to allow an encroaching structure to remain in the levee profile as the County and FEMA are requiring that buildings be moved away from the levee because the levee integrity can't be maintained with an encroaching structure in the profile. There needs to be an engineering solution that would allow the District to continue to maintain the levee. He can't allow it with the slab at the current location.

Director Knorr, Jr. asked if the house was a slab poured over pilings.

Ms. Kara Johnston stated it is on a raised wood foundation with pilings.

Director Knorr, Jr. stated the pilings go from the ground all the way up the building. If the property owner is demolishing the house, how are the pilings going to be dealt with or are they going to be reused for the new structure.

Ms. Kara Johnston stated the pilings are rotted and that is why the house is being torn down. She has not sent the drawings to the structural engineer and was hoping to get approval to continue with the rebuild.

Director Knorr, Jr. stated according to the drawing from Green Mountain (P-23) it looks like the house could be moved to the west and towards the street.

Mr. Mark Fortner asked if the property owners could ask the County for a variance of the five feet on the side of the property.

There was a discussion on the location of the house in relation to the levee profile.

The Board couldn't make a ruling on the way the plans were submitted.

A motion was made by Director Berzinas that the property owners request to remodel a nonconforming structure in its current location and in accordance with Ordinance 9 Section 8(a) states that no permit may be approved that will result in the extension of the life of a nonconforming structure. Further, Ordinance 9, Section 5(c) states the useful life of nonconforming encroachments may not be extended by any repair, other than routine maintenance. The findings pursuant to Ordinance 18 are:

the strict application of the provisions of the District's Ordinances, regulations and/or standards would result in practical difficulties or unnecessary hardships, inconsistent with the general purpose of the ordinances, regulations and standards of the District; and there are exceptional circumstances or restrictions applicable to the project or the parcel of land where the project is located that do not apply generally to other projects that have taken place in, or other parcels of land located in, the same neighborhood; and the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the activities authorized by the variance will take place and to deny the variance. Direction was given to staff to create a resolution with the findings of the motion to be brought back to the next meeting.

Director Knorr, Jr. strongly urged the property owners to resubmit the plans with the changes that were discussed.

Attorney Dave Larsen stated there is a certain amount of time for the denial and to resubmit an application.

The motion was rescinded.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to continue the hearing until 120 days or sooner to allow applicant to submit changes to the plans to reduce adverse impacts of the requested variance. The vote showed three directors in favor (Directors Kirk and Rama were absent). Motion carried.

VARIANCE HEARING FOR 2056 TAYLOR ROAD

District Manager Espinoza stated the applicant would like to replace a 70-year-old failing, broken concrete retaining wall with new, prefabricated block wall which does not meet the levee design criteria cross section. A variance would be required for the reconstruction of the retaining wall.

Mr. Mark Fortner (GEI Consultants) stated the property was red tagged on December 13, 2022 for construction of retaining walls to form several terraced areas on the landside levee slope. All drains should discharge beyond the levee toe and have positive grade to drain to the street.

Mr. Jeff Irvine stated there were existing retaining walls of stacked broken concrete that were starting to come apart. When a boat was removed via the levee it ripped out part of the retaining wall, along with erosion control issues. He is replacing the old retaining wall with heavy duty block and

locked in place. At the top is a cast in place concrete retaining wall which is about 8 inches thick (with no idea of how deep the wall goes down into the levee). He just wants to replace the retaining wall in the same place and same heights.

Director Berzinas stated that he is opposed to multi-terracing on the levee slope.

There was a discussion on the retaining walls.

Mr. Mark Fortner stated the levee crown is wide at that location. It is possible for the terracing and would meet the design criteria with exception of the bottom wall, which would need to be 3 feet from the structure that would reduce the amount of terracing.

Director Berzinas stated he is not in favor of flat terraces as they eliminate ballast of the slope. If they were sloped terraces, he would be much more inclined to accept. The flat terraces would need 3-foot drops at every terrace and staff would have to inspect each terrace for seepage.

Mr. Jeff Irvine stated he would have drain pipes behind every wall that will drain off the property and the drain pipes will be seen above ground.

Director Berzinas stated he would like to see the flat terraces be replaced with sloped terraces of 30 degrees.

The question was asked for a resubmittal.

Mr. Jeff Irvine agreed to resubmit his variance application with the discussed changes.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to continue the hearing to the April 2023 Regular Meeting to allow applicant to submit changes to plans to reduce adverse impacts of requested variance. The vote showed three directors in favor (Directors Kirk and Rama were absent). Motion carried.

DISCUSSION AND CONSIDERATION OF DISPOSAL METHODS OF OBSOLETE SURPLUS EQUIPMENT AND REVIEW AND ADOPTION OF BOARD POLICY 4075 SURPLUS PROPERTY

Attorney Dave Larsen stated there will be things to look at as far as some funding sources have requirements for equipment that has been purchased with grant funding.

Director Berzinas asked if the policy should include electronic transfers.

District Manager Espinoza stated it could be added. If any of the Board members have any further comments, they can be emailed to be included in the policy.

This item will be continued to the April Regular Meeting.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

District Manager Espinoza stated the IRWM grant contract had an unused \$20,000 that needed to be used, so staff has purchased a new pump under that grant. Another item was added to the Emergency Response Grant, Phase 3 and the item is a generator.

District Clerk Bixby stated Form 700's will be due by April 1st.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to receive and file the Staff Reports. The vote showed three directors in favor (Directors Kirk and Rama were absent). Motion carried.

TREASURER REPORT

Balances as of 2/28/23:

Checking Account: \$32,953.52

Park Account: \$2,948.22

House Number Account: \$336.02

Delta Coves First Deposit: \$68,586.60

Delta Coves Contingency Funds: \$1,471,074.87

Delta Coves O & M Funds: \$1,024,366.58

LFCF Repairs and Improvements: \$31,659.04

LFCF Maintenance: \$4,668.47

Advance Funding from DWR

Money Market is \$30,940.30

(NWS Project)

Money Market is \$54,199.30

(HEHE Project)

Money Market is \$47,600.57

(HEHE NW Levee Project)

BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Nothing to report.

DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

Nothing to report.

SHEETPILE PROJECTS/NON-CONFORMING STRUCTURES (AD-HOC)

Director Berzinas stated at least we got to identify a nonconforming structure as a potential project. There will need to be an agreement drafted, because the majority of the project will be funded by the property owner. There needs to be some structure set up for the next project.

Director Knorr, Jr. asked if there will or will not be another meeting.

Director Berzinas stated the item can stay on the agenda, but there doesn't need to be another meeting at this time.

Director Knorr, Jr. stated there should be another meeting to come up with possible solutions. He would also like to invite people from the public to join the committee.

WEB SITE

Nothing to report.

BIMAC/FIRE DISTRICT UPDATE

Nothing to report.

SUGGESTION FOR FUTURE AGENDA ITEMS

Public Outreach/Social Media Presence for BIMID Events Ad-Hoc Committee

CORRESPONDENCE

None was discussed.

A motion was made by Director Berzinas and seconded by Director Knorr Jr. to adjourn the meeting. The vote showed three directors in favor (Directors Kirk and Rama were absent). Motion carried.

The meeting adjourned at 9:35pm.

Submitted by Denece Bixby, District Clerk