REGULAR MEETING OF THE BOARD OF

THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT

BETHEL ISLAND, CALIFORNIA

3085 STONE ROAD

BETHEL ISLAND, CALIFORNIA

DATE: AUGUST 11, 2022

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.. Attorney Dave Larsen and District Manager Regina Espinoza were also in attendance. Directors Lisa Kirk and Steve Lucas 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. 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 Special Meeting of July 21, 2022. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.

ANNOUNCEMENTS

District Manager Espinoza stated Alex Montalvo has retired from the District. She took the opportunity to thank Alex for his years of service with the District working in the park. He really took the park seriously and maintained it with pride.

The community and the Board thanked Alex for his service with the District and the work that he had performed in the park.

PUBLIC COMMENT

Mr. Phil Kammerer asked when the ditch that is located behind the Willows Mobile Home Park will be cleaned. It has gotten very overgrown and is becoming a fire hazard.

Director Berzinas asked District Manager Espinoza to go and speak with Bethel Harbor to get the ditch cleaned.

District Manager Espinoza stated she would talk to Bethel Harbor again and follow up with correspondence.

UNFINISHED BUSINESS

UPDATE ON BETHEL ISLAND CULVERT/DRAINAGE/STANDING WATER ISSUES

District Manager Espinoza reported there was nothing new to add regarding any drainage projects.

DISCUSSION ON POSSIBLE “LOW WAKE” SIGNAGE PLACEMENT ON BREACH STRUCTURE

District Manager Espinoza stated Delta Coves personnel (Owen Poole and Monica Wolf) had responded after the last board meeting. There was a meeting of the HOA and a discussion on how they were going to get the current buoys back to their original location, as they had moved and weren’t where they are supposed to be. The buoys will be moved in the next month or two. District Manager Espinoza will check back again to make sure the buoys were moved to their original location. If replacing the buoys doesn’t appear to help the situation after a certain amount of time, staff could move forward into research for placing additional signage near the breach structure.

UPDATE ON BOARD POLICIES FOR DRIVING ON A LEVEE AND LEVEE KEY ACCESS

District Manager Espinoza stated there was a very productive discussion regarding the District’s policies for driving on the levee and the levee key access at the last meeting. The final version of the Resolution will be on the September 2022 Board Meeting agenda along with a draft policy for the Board’s consideration.

Director Berzinas requested to have the draft resolution and board policy two weeks prior to the meeting.

Attorney Dave Larsen stated he could contact Director Berzinas to speak about the resolution and board policy that was previously discussed in previous meetings, as Director Berzinas had missed the last couple of meetings.

UPDATE ON ASSET MANAGEMENT SYSTEM

No update.

SHEETPILE PROJECT – FIVE YEAR PLAN

No update.

EMERGENCY PLANNING REVIEW

No update.

CONTINUED DISCUSSION OF PARK SAFETY ISSUES

No update.

DISCUSSION OF EMERGENCY EVACUATION AND ACCESS AT DELTA COVES

No update.

NEW BUSINESS

CONSIDERATION OF AWARDING CONTRACT FOR NORTHWEST LEVEE IMPROVEMENT AND STONE ROAD PROJECT (MARINA IMPROVEMENT PROJECT SECTION)

District Manager Espinoza explained this is phase three of the Northwest Levee Improvement and Stone Road Seepage Project. The bid opening was held on August 4th with bids ranging from $1.6 million to $3.5 million. The lowest bid was $1.6 million from Ford Construction.

Mr. Mark Fortner from GEI stated there were five plan holders that were present at the bid opening on August 4th. The engineer’s estimate was $1.5 million and $2 million. He recommended to award the contract to the lowest bidder, Ford Construction.

Mr. Mike Mirmazaheri from GEI explained the budget for the project. There is approximately $1.2 million left in the current project funding. The District requested an additional $800,000 in funding from DWR and a final decision should be received by August 24, 2022. After the awarding of the contract, construction will begin after Labor Day.

Director Berzinas asked if there were any underground storage tanks to be removed.

Mr. Mark Fortner stated there is one propane tank on top of the levee that will not be moved or disturbed. The sewer will be left in place and an old pump house will be removed. Any utility work will be minimized.

Director Berzinas asked what is being done to control vehicles from driving on the slope. He would like to see a two stack of keystone blocks to curtail driving on the levee slope.

Mr. Mark Fortner stated there will be a 3:1 slope. The upramps will be kept and expanded.

Director Berzinas stated there needs to be some kind of signage that will protect the levee slope and using the keystone blocks would help to prevent driving on the levee.

Mr. Mark Fortner stated he will contact the property owner of the marina about vehicle control on the slope. There is also a landscape plan for the project and maybe it could include some curbing and signage.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. to award the Marina Levee Improvement Project to Ford Construction. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.

PROVIDE DIRECTION FOR DELTA CONVEYANCE PROJECT ENVIRONMENTAL IMPACT REPORT FOR PUBLIC COMMENT PERIOD

District Manager Espinoza stated she is welcoming comments on the Delta Conveyance Project but needed direction for staff and engineering to compile comments from the Board and comments from GEI into a comprehensive BIMID public comment submittal to DWR prior to October 27, 2022. This item will be under Unfinished Business until October for any comments from the public, staff and Board.

DISCUSSION AND CONSIDERATION OF CAT 320 EXCAVATOR LEASE TO PURCHASE OPTION

District Manager Espinoza stated as discussed in previous meetings, the District would be purchasing a new excavator under a Rental Purchase Option (RPO). The District is now in possession of the Peterson CAT 320-07 Excavator and entered into the Lease RPO on July 29, 2022. The understanding was that the District would lease the excavator while waiting for information for grant funding from the Bay Area Air Quality Management District (BAAQMD). Information was emailed that the grant funding would be maybe $40,000 with a three-year project term. This was not the answer that District staff was hoping to receive and there is no guarantee that the grant would be funded. The email that was received determined that the Carl Moyer Program will not be cost effective for the District. There has been communication with Peterson CAT and a potential agreement has been reached in which the District has the option to purchase the excavator directly from Peterson CAT at the December 2021 purchase price prior to August 28, 2022, without making the first month lease payment. In addition, Peterson CAT has agreed to pay the District $35,000 for our current 2002 147hp excavator and Peterson CAT would take responsibility and dispose of the equipment at the time of purchase. The cost of the 2022 CAT 320-07 has a purchase price of $298,089.52 with tax and extended warranty.

Director Berzinas asked about the structure of the purchase.

District Manager Espinoza stated there were several different options. The District could either buy the excavator outright, or pay half this fiscal year and pay the other half in the next fiscal year, or pay for the three years. District Manager Espinoza stated her preferred method would be just to buy it outright.

Director Berzinas stated if the amount was split into two fiscal years it would need to be 5% or less for financing.

A motion was made by Director Berzinas and seconded by Director Knorr, Jr. for the District Manager to have the authority to make the purchase agreement for the CAT 320 Excavator to split the purchase payment over two fiscal years at 5% financing or less; if over 5% financing to make the whole purchase of the CAT 320 Excavator. The vote showed three directors in favor (Directors Kirk and Lucas were absent). Motion carried.

Director Berzinas recommended that staff look into the Inflation Recovery Act, which will be signed into law, for light duty, medium duty, heavy duty vehicles.

District Manager Espinoza stated the grants for that would not be available until FY 2024-25.

CONSENT ITEMS – STAFF REPORTS

Reports were available to the public.

District Manager Espinoza stated that part of the scope for the Marina Project does not include rocking the levee. She recommended that rocking the levee be an in-house District project. The environmental permit has already been issued.

Director Knorr, Jr. asked how far the rocking is to be done.

District Manager Espinoza stated it will be from Station 9 to Station 23.

Director Berzinas asked if it would be covered under Subventions Work Agreement.

District Manager Espinoza stated the project would not be covered under Subventions but will be covered under the project and would be coordinated with the contractors and the rocking would be done by District staff.

District Manager Espinoza stated the draft list of the Emergency Funding Round Three just came out a couple days ago. The District submitted an application for a new EOC (Emergency Operations Center) and came out on the draft list as funded for half of what was requested. GEI and the District Manager are working on questions and comments to submit back to DWR. Staff will be working on getting pricing for architectural designs. After finding out the information and pricing in the next couple of months, it will be agendized for Board discussion.

District Manager Espinoza stated there is a Health and Safety Fair scheduled for October 1, 2022, and the Bethel Island Community Clean Up Day is scheduled for October 8. 2022.

Director Berzinas stated he would like to put on the next agenda a discussion of potential zoning changes for the new subdivisions on Bethel Island Road and Jersey Island.

President Smith stated it could be added to the agenda as “Discussion of Zoning Changes”.

**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 Lucas were absent). Motion carried.**

TREASURER REPORT

**Balances as of 7/31/22:**

Checking Account: $174,623.70

Park Account: $2,411.58

House Number Account: $336.02

Delta Coves First Deposit: $331,997.25

Delta Coves Contingency Funds: $2,009,650.71

Delta Coves O & M Funds: $906,443.46

LFCF Repairs and Improvements: $10,579.45

LFCF Maintenance: $52,829.28

**Advance Funding from DWR**

Money Market is $515,434.33 (NWS Project)

Money Market is $76,073.56 (HEHE Project)

BETHEL ISLAND PARK COMMITTEE (AD-HOC)

Nothing to report.

DELTA INTERGOVERNMENTAL WATCHDOG COMMITTEE (AD-HOC)

Nothing to report.

LEVEE GATE COMMITTEE (AD-HOC)

Nothing to report.

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

Nothing to report.

WEB SITE

Nothing to report.

BIMAC/FIRE DISTRICT UPDATE

Nothing to report.

SUGGESTION FOR FUTURE AGENDA ITEMS

Driving on the Levee (Adoption of Resolution 22-XX-XX)

Board Policy for Driving on the Levee/Rules

Delta Conveyance EIR Discussion/Public Comments

Update on Summer Lakes Levee Flood Protection

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 Lucas were absent). Motion carried.

The meeting adjourned at 7:45pm.

Submitted by Denece Bixby, District Clerk