

**BAY POINT MUNICIPAL ADVISORY COUNCIL
MINUTES – December 2, 2008**

Chairwoman Zumwalt called the regular meeting of the Bay Point Municipal Advisory Council to order at 7:00 p.m. held at Ambrose Recreation and Park District Board Room, 3105 Willow Pass Road, Bay Point, California.

PRESENTATION OF COLORS:

The Pledge of Allegiance was led by Pastor Frank of Calvary Temple.

MEMBERS PRESENT: Garcia, Hoagland, Kopitar, Magleby, Siegfried, and Zumwalt

MEMBERS ABSENT: Gabor

APPROVAL OF AGENDA:

M/Magleby
S/Hoagland

Members present approved the amended Agenda for December 2, 2008, having removed the Keller Canyon presentation from the agenda and the Willow Pass/Clearland LP072075 from the Consent Calendar. Vote 6 – 0

APPROVAL OF MINUTES:

Approval of the November 4, 2008 Traffic Advisory committee and MAC meeting Minutes

M/Magleby
S/Siegfried

Members present approved the MAC and TAC Minutes of October 7, 2008.
Vote: 6 - 0

Councilwoman Zumwalt stated she wanted to thank Recording Secretary, Debra Giles, for her consistent outstanding work done on the minutes in 2008.

PUBLIC COMMENTS for items not on the agenda:

None

CONSENT CALENDAR:

- 1 Brief review and approval of monthly correspondence - Secretary Kopitar
- 2 Approval of monthly Recording Secretary Invoice of \$120.00
– Councilwoman Garcia
- 3 Recommendations on outstanding LUP's and/or Alcohol License applications
– Councilwoman Siegfried

- **LP08-2054 66 Loftus Road** for permit to legalize expansion of non-conforming 2nd residence on single family lot - **Approve with conditions**
- **LP08-2047 74 Wharf Drive** for approval for second residence on lot – **Approve with P1 conditions**
- **LP08-2061 5 Pacifica Ave.** approval to move location of Tot Lot and add a lot to existing mobile home park. Modifies IP99-2044 – **Approve**
- **LP08-2057 2301 Willow Pass Road** (Love a Child Ministries) want to convert a garage into a commercial kitchen and add carport – **Held/Incomplete**

**M/Magleby
S/Garcia**

Members present approved the Consent Calendar. Vote 6 – 0

PRESENTATIONS:

Bay Point Outstanding Citizen of the Month Award – Councilwoman Garcia

All past recipients from 2008 were acknowledged during short celebration preceding the MAC meeting.

Concord Naval Weapons Station re-use plan update – Judy Dawson

Mrs. Judy Dawson stated she attended the November 17th Joint Community Advisory Committee and the County Council of Concord meeting at the Senior Center in Concord where there was standing room only to hear the final information gleaned from the past several years. She stated that after over 35 meetings, including 8 public workshops, the CAC had completed its efforts, and out of nine possible alternatives of use, they brought it down to two scenarios; a Concentration & Conservation alternative and a Cluster Village alternative.

Mrs. Dawson gave descriptions of each alternative, including that the Cluster Village alternative had less open space, more density, and more units; and that the Concentration & Conservation alternative had more open space and less density.

Mrs. Dawson stated it was very interesting that at about 9:00pm after all the videos had been shown, speakers had spoken, and a break been taken, they opened it up for public comments; that there were 150 public comment cards, and that she couldn't stay as she had to work the next morning, but they must have been there very late.

Mrs. Dawson stated they had another meeting last night (Dec. 1st), that she was unable to attend, where they were going to be going over the same material, and then in January the Concord City Council would be making the final decision about which scenario they wanted to adopt. She stated it was exciting if they can pull off what they have planned; a community & culture facility, a library, a performing arts center, a community center, more schools (K – 12) for the Mt. Diablo School District, and a tournament level sports facility.

Mrs. Dawson gave an overview of the rest of their plans and expectations, and spoke about the relocating of the Diablo Golf course not being an option.

Mrs. Dawson stated it was very interesting, that everyone was there giving their input, including Antioch's new Mayor elect, Jim Davis; there to remind them that whatever is built in Concord will affect Antioch.

Mrs. Dawson stated in wrapping it up, that the Village Cluster alternative would have 12,300 dwellings, and the Concentration & Conservation alternative would have 10, 200 dwellings. She stated that after seeing an aerial view of both plans, the Cluster Village alternative makes better use of the land. Mrs. Dawson stated that first the Concord City Council will be making its decision in January 2009 and in June of 2010 the Navy will then be hopefully, officially, giving the Naval Weapons Station to Concord.

Chairwoman Zumwalt asked if they spoke at all about the increased traffic, the highway structure; that it's already bad going out towards Antioch.

Mrs. Dawson stated they are pushing for more public transportation, but there's only so much public transportation, and public transportation runs on the roads also. She stated she would look in the report more about what was said regarding traffic.

Councilwoman Siegfried asked about them keeping open areas on both sides of the creek for migration.

Mrs. Dawson stated yes, that it was a big consideration.

Councilman Hoagland kidded that we seem to be worried about the coyotes and snakes but not about the people driving.

Chairwoman Zumwalt thanked Mrs. Dawson for participating in this process and reporting it back to the MAC, and they would look forward to another update in February about what happens at the January meeting.

Ambrose Technical Charter School Presentation – A.J. Fardella

Mr. A.J. Fardella distributed copies of his presentation and stated this was a heads-up presentation, and said he would give some background about this particular solution, and its gaining momentum in terms of providing some local high school services, educational infrastructure to our neighborhood. He stated that back in 2003 there was a study done on high school growth, basically given charge by MDUSD Board of Trustees to examine alternatives for a high school, to serve the Western Pittsburg and Bay Point area that Mt Diablo services. Mr. Fardella stated there were about 10 different alternatives that were fielded among the participants, and one of them was a charter high school; a magnet school.

Mr. Fardella explained why some of the other alternatives, including reopening Riverview as a High School, didn't fit into feasibility criteria for the District; that it would take too many students away from high schools they were already attending, and the loss of the junior high school. He stated the District is not in the position from an infrastructure stand-point to support a brand new high school in our area; even with the Concord Naval Weapons Station project and the Riverview High school; what is more practical and addresses more of our students needs in the Bay Point, Pittsburg area is a Charter High School, designed from the ground up that takes advantage of a joint use agreement with the Ambrose Recreation & Park District.

Mr. Fardella reviewed and explained some of the maps on his presentation, including the area of development on the south side of Leland Road, and the large green area showing the proposed Ambrose Charter High School site. He stated that Ambrose Park has 31 – 39 acres.

Councilman Hoagland stated that it was about 11 acres.

Mr. Fardella stated that the green area he has marked off is 31 acres and might include some open space that is connected to the park now, and that the dark green area was the 4 acres he is looking to use for the Charter school. He stated the idea has received, at least from the people he's talked to about it, overwhelming support. Mr. Fardella stated the school would be directed to students going on to college or students looking to go straight into a vocation; to go to work as soon as possible. He stated the school would serve as a conduit to other places like Los Medanos college, but also have Auto shop, some medical classes, and get the trades involved with the school, knowing what the workforce will need.

Mr. Fardella stated that a big advantage to having a Charter school is something that we've never had, and always complained about not having, and that is control. He stated MDUSD has not always been as responsive as it should be to our community.

Mr. Fardella stated he first needs to get the site, that he will be visiting Supervisor Glover for his support, that the key really is the Ambrose Recreation & Park District and the establishment of a joint use agreement with them. He stated he is working on a more detailed proposal in that aspect and will be presenting it at the Park Board meeting.

Mr. Fardella stated that once they get the site there is a process they must go through with the California Department of Education; and that is about where the project stands right now.

Mr. Fardella stated that he has recently been appointed to the City of Pittsburg's Planning Commission and through his discussions with City Manager, Mark Grisham, has been graciously allowed some support from the planning staff. He stated the school district is on notice that he is working on this, but has made no comment yet.

Mr. Fardella stated he hoped that within 12 years that we may actually be walking through the threshold of this great new school.

Chairwoman Zumwalt asked if he would be seeking redevelopment funds.

Mr. Fardella stated with his limited amount of time available he believed his best liaison, besides Ed Diokno, would be Supervisor Glover; that if the Supervisor supports it Redevelopment is more likely to support it as well.

AGENCY REPORTS:

Supervisor Federal Glover's Office – Ed Diokno

Mr. Ed Diokno stated that on November 21st Supervisor Glover had his annual Gobbler Giveaway; one of Mr. Diokno's favorite days of the year. Supervisor Glover and his muscular staff were able to hand out over 600 turkeys to residents of Bay Point, Pittsburg, Antioch, Oakley and Bethel Island.

Mr. Diokno stated on December 4th, 6:30pm – 8:00pm at the Board of Supervisor's Chambers in Martinez, the Hazardous Materials Commission will be having a forum addressing the cumulative impacts of pollution, and how it impacts our health and future growth.

Mr. Diokno stated on January 6th the Supervisor will be sworn in for his third term as the District 5 supervisor and hand over the Chairman's gavel to Susan Bonilla, the District 4 supervisor. He stated Supervisor Glover wishes to thank all of District 5, but especially the residents of Bay Point, for their confidence in him and for their support.

Mr. Diokno stated Supervisor Glover's annual crab feed will take place on January 3rd at the Boys and Girls Club in Pittsburg; that includes entertainment, dancing and all the crab and pasta you can eat. He stated the cost is \$35 per person.

Mr. Diokno stated lastly, the Board Order with the new rules for the organization and conduct of the county's Municipal Advisory Councils will go before the Board of Supervisors on December 16th and will take effect on January 1st, 2009. He stated several members from this MAC took part in several meetings and discussions and gave their input.

Mr. Diokno stated the changes for the Bay Point MAC won't be as drastic as it will be for some of the other MAC's, but it will have impact on them; the main difference is that all terms of the MAC members will coincide with the term of the Supervisor's four year term.

Mr. Diokno stated also this MAC, as it is presently composed, will meet one more time in January with the same officers. He stated the election of new officers will take place at the start of the February MAC meeting.

Mr. Diokno stated they should know that the MAC's duties will be expanded to include the duties presently being performed by the Project Area Committee that operates within the Redevelopment Agency. He stated it will be the same members in the PAC and the MAC, that the Chairman of the MAC will also be the Chairman of the PAC; and the meetings will be held one after the other.

Mr. Diokno stated the PAC won't be dissolved, that what this means is that body of seven members will meet first at the PAC to do their business, adjourn, and then reconvene as the MAC; this is the way its done in other government bodies like the Board of Supervisors and Pittsburg City Council. He stated Maureen Tomes will continue to be the staff to the PAC, and he will continue to be the Supervisor's liaison to the MAC.

Mr. Diokno stated that if they were interested in continuing to serve on the MAC, or if any members of the public were interested in applying for the MAC, he had brought application forms with him. He stated the Supervisor will interview candidates and appoint them before the February meeting, at which point the new Chair and officers will be chosen and sworn in.

There was some clarification about the standing MAC members needing to re-apply and go through the interview process if they want to remain on the MAC.

Report by Sheriff's Department – Lt. Mahoney

Lt. Mahoney passed out copies and reviewed the statistics for the month of November including comparisons from the same time last year.

Lt. Mahoney stated coming up this month on December 6th is the Holiday Heroes Project where selected kids from the community are escorted by Police officers first to Fatima's restaurant for breakfast, and then to Wal-Mart to go shopping with their Christmas gift cards, for themselves and their family.

Lt. Mahoney stated on December 13th is the annual Toy Giveaway and Social here at the Ambrose Community Center from 6:00pm – 9:00pm. He stated Santa will be here with some entertainment and some snacks.

Lt. Mahoney stated that their second Resident Deputy will be returning to Bay Point some time this month; that funding for the second deputy is coming from the P District funds, a new yearly tax from new homes that was previously viewed as not usable for our second deputy, now has been determined by County Council as appropriate to use. He stated he would introduce the new Resident Deputy at next month's meeting.

ITEMS OF BUSINESS:

A. OLD BUSINESS

1. Report on Newsletter printing charges (tabled from November 2008) – Councilwoman Garcia

Councilwoman Garcia distributed report on past costs of Newsletter, and stated that importing the data and postage for mailing were the greatest costs involved, not the printing.

Councilwoman Garcia stated that in the past County Redevelopment had covered the costs of one of the newsletters, but she had yet to hear from Maureen Toms this year as their monies were affected by the budget cuts, and they may not be able to work it out and help with a second newsletter.

Chairwoman Zumwalt asked about doing two smaller ones.

Councilwoman Garcia stated maybe, but again it wasn't the printing costs so much as the data importing and postage costs.

There was a discussion on different possible alternatives to cutting costs, such as printing and placing mailing labels themselves, and still possibly putting out two newsletters.

Chairwoman Zumwalt stated she believed it best if they leave this for the new MAC to make a decision on, as they would be the ones working on it.

Councilwoman Magleby stated she worked on the first MAC newsletter and they had sent out only 4,000, compared to the greater number being sent out now, that it is just an incredible difference. She stated that in those days they found a mailing list, and did all the label printing, pasting, and mailing themselves, and had a struggle to get it out. Councilwoman Magleby stated she hopes the MAC can find the monies to have professionals do it, to make sure it everything is done correctly.

Chairwoman Zumwalt stated this item should be put on hold until the new MAC was in place, and hopefully they would have heard something from Redevelopment's Maureen Toms by then also.

There was agreement among the Council with Chairwoman Zumwalt's suggestion.

2. Information on dates for submitting articles and publishing of the Bay Point

Newsletter in 2008 and 2009 (tables from November 2008 meeting) – Councilwoman Garcia

Councilwoman Garcia stated she would like to tentatively say one in March and June, or April and July. She stated deadlines should be set after the new MAC was seated.

Chairwoman Zumwalt thanked Councilwoman Garcia for her work done on the newsletters this past year, that she had been a great newsletter Chairperson.

B. NEW BUSINESS

1. Discussion and recommendation to approve outstanding LUP LP072075; Willow Pass Road and Clearland Apartments (tabled from November 2008 meeting) – Councilwoman Siegfried

Councilwoman Siegfried stated this had not been approved the first time by the MAC or the PAC, and it is still the same as the first except they had removed one story. She stated it is still low and very low income; it still has the underground parking, which will end up being a problem; and she would like to see more commercial space on the property. Councilwoman Siegfried stated she would recommend disapproving this project.

As Council members Hoagland, Garcia and Magleby must recuse themselves, there was again no quorum to vote on this item and was tabled (again) to next month's meeting.

2. Informational only – Copy of 2008 annual report submitted to the Board of Supervisor's by the Bay Point MAC Chair – Chairwoman Zumwalt

Chairwoman Zumwalt made available the report to the public and stated she had to write this report to the Contra Costa County Board of Supervisors for the 2008 Annual Report for the Bay Point MAC.

Councilwoman Magleby asked if this was something new.

Chairwoman Zumwalt stated it was something that was supposed to be done every year; that she had attended the Advisory Council meeting in November where they indicated there should be a Board report given for this particular upcoming (December) meeting of the Supervisors.

Councilwoman Magleby stated she wanted to applaud Chairwoman Zumwalt, for the report was very well done.

Chairwoman Zumwalt stated she had done some brainstorming over the phone with Councilwoman Garcia one night trying to remember and recreate everything the MAC had done over the year.

Mr. Diokno stated they had been very busy this year.

Chairwoman Zumwalt stated in the report she also indicated a proposed Work Plan for next year including the newsletter; Supervisor Glover's Townhall meeting; being one of the sponsor's and helping with the Bay Point parade; National Night Out; Outstanding Citizen of the Month, which she believes had gone over very well this past year; County's annual training for

MAC members; and the joint MAC meeting sometime during the year.

Mr. Diokno stated they could place the report on the website also for the public to view.

Chairwoman Zumwalt stated also required and included in the report is the MAC members meeting attendance. She stated during the annual training session she attended on November 13th, there were three outstanding, important items that came out of that meeting, that she would like to make note of. First, that the MAC cannot hold a Closed Session due to the fact the MAC serves at the pleasure of the County Board of Supervisors, in an advisory capacity only, they have no authority to create typical or any other obligations on behalf of the county. Secondly, agendas must be posted 96 hours before meetings in a public place where it can be viewed by anyone 24 hours a day; basically it cannot be posted only on a website, it must be placed at a physical location. She stated they are already abiding by this requirement, placing the agenda at many locations in Bay Point including here on the Community Center's window, the Sheriff's Department, at Supervisor Glover's office, and the Bay Point library. Lastly, there is some new language to be included in the preamble, which was read tonight before the meeting, regarding public records of these open meetings being available to the public upon request.

Chairwoman Zumwalt stated the training session she attended was lengthy but very interesting and informative about doing the right thing in public service. She stated she was also making available for people to see the various materials they had given out at the meeting.

Chairwoman Zumwalt stated that just for everyone to know that when you are a member of the MAC you don't just sit at the dais and do nothing, there are meetings, they have to work with Code Enforcement, and quite a number of other things through and for the community.

OFFICERS/COUNCIL MEMBER REPORTS:

Councilwoman Magleby stated that as Chair of the TAC they had only two meetings this past year but had accomplished a lot with information to County's Jerry Fahy, no great big project, but instead a street at a time. She stated she was thankful for email; that much had been done that way.

Councilwoman Magleby stated the TAC will now have a big project to be involved with regarding making Willow Pass Road safer by possibly widening it. She stated she was concerned with some of the proposed changes, that they have the money, but there will be at least one more meeting to attend, probably in December, to hear about it and share input.

Councilwoman Magleby stated she had also asked the MAC several months ago to share some ideas with her about encouraging Bay Point students and helping the schools, and she hadn't received any, so she contacted the Chamber of Commerce. She stated what they have decided to do is one little step in helping improve attendance by giving them a nice certificate and a free taco every time they have perfect attendance for a certain amount of time; provided by Los Gallitos, also helping Los Gallitos by possibly improving patronage.

Chairwoman Zumwalt stated that regarding the TAC, they had received a letter from John Greitzer, County Senior Transportation Planner, on November 20th stating they had received a grant to address condition of bicyclers and pedestrians safety along Bailey Road, from the BART station to Willow Pass Road, particularly the freeway ramp and pedestrian tunnel concerns. He stated it would take a couple of months to formalize the paper work and

funding, but hoped to start the project in early 2009, taking about 1 year to complete. She stated that County is also preparing to put in an additional left turn lane on Evora Road connection to Willow Pass Road to improve the flow of traffic.

Councilwoman Kopitar stated she had been to the last CAP meeting where they had a report done by Deputy Brian DeMunick on a new Marine Patrol, from a grant, which is involved with Homeland Security. She stated they have two crews of three deputies that work seven days a week through the Bay and Delta, having helped clean up abandoned and derelict boats in the delta, helping with maritime law, and homeland security. She stated they have a "Moose" boat, equipped with Coda Octopus sonar (very high tech), the only one this side of the Mississippi, and night vision goggles. Councilwoman Kopitar stated the Marine Patrol presentation was very interesting, and they are already helping clean up delta crime including floating meth labs.

Councilwoman Garcia stated she just wanted to wish everyone a great, safe holiday season.

Councilwoman Garcia distributed a financial report and stated she had contacted Lynn Reichard, and they were both on the same page regarding the MAC's monies.

REQUEST FOR ITEMS ON NEXT AGENDA:

1. Keller Canyon presentation
2. MAC Newsletter – dates for submitting articles and publication
3. Willow Pass Rd./Clearland LUP
- 4.

ADJOURNMENT:

M/Magleby

S/Siegfried

Motion approved to adjourn the meeting. Vote 6 - 0

There being no further business before the Bay Point Municipal Advisory Council, Chairwoman Zumwalt adjourned the meeting at 8:10 p.m. to the next regular scheduled meeting at 7:00pm on January 6, 2009, to be held at the Ambrose Recreation and Park District Board Room at 3105 Willow Pass Road.

Submitted by
Debra Giles
Recording Secretary