

**BAY POINT MUNICIPAL ADVISORY COUNCIL  
MINUTES – January 6, 2009**

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 Highway Patrol Officer Joe Godman.

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

**MEMBERS ABSENT:** Gabor

**APPROVAL OF AGENDA:**

M/Hoagland

S/Siegfried

Members present approved the amended Agenda for January 6, 2009, having added staff reports from the Sheriff's Dept. and CHP. Vote 6 – 0

**APPROVAL OF MINUTES:**

Approval of the December 2, 2008 MAC meeting Minutes

M/Garcia

S/Siegfried

Members present approved the MAC Minutes of December 2, 2008.

Vote: 6 - 0

**PUBLIC COMMENTS for items not on the agenda:**

Resident Judy Dawson, on behalf of the Ambrose Recreation & Park District, invited everyone to participate in a tour of Ambrose Park and community meeting to gather input in helping plan park and facility improvements at Ambrose Park; it will start at 9:00am in the Dining room of the Community Center on Saturday, January 24, 2009. She directed anyone interested to see the flyers on the table in the back, and invite your friends and neighbors to come also.

Allison Fine, of Center for Human Development, stated she is the community organizer for a brand new East County Alcohol Policy Coalition (ECAPC). She stated Alcohol and Other Drug Services has other Coalitions and they oversee alcohol policies in their areas, that meet on a monthly basis and are community based; and their main goal is to help avoid alcohol getting into the hands of minors but also branch out into other areas such as taking their views to the planning commission regarding alcohol licenses. Ms. Fine stated she and Mr. Diokno are the beginning of this east county coalition who is looking for other interested community members, and she would like to come back next month (on the agenda) to describe more fully the role of the commission and its members.

**CONSENT CALENDAR:**

- 1 Brief review and approval of monthly correspondence - Secretary Kopitar**
- 2 Approval of monthly Recording Secretary Invoice of \$120.00  
– Councilwoman Garcia**

**M/Garcia**

**S/Siegfried**

**Members present approved the Consent Calendar. Vote 6 – 0**

**PRESENTATIONS:**

None

**AGENCY REPORTS:**

**Supervisor Federal Glover’s Office – Ed Diokno**

Mr. Ed Diokno stated the Notice of EIR Scoping Meeting is Keller Canyon Landfill proposing an increase in their daily tonnage and this is a part of the process of letting the public know what is happening; and the EIR process looks at what the impact of this additional tonnage would be in our community and on our streets. He stated the meeting is on January 14<sup>th</sup>, at 9:30am at the Board of Supervisor’s Chambers, 651 Pine St., Martinez, and there were copies on the back table if anyone was interested.

Mr. Diokno state on December 16<sup>th</sup>, the Board of Supervisors approved the organizational changes to the county’s Municipal Advisory Councils. He stated there are two major changes affecting this MAC:

1. The borders of Bay Point have finally been defined. One of the things discovered when they were studying the possibility of Pittsburg’s annexation of Bay Point was that the boundaries of Bay Point were not clearly defined; Different County departments had different boundaries. He stated now there are certain boundaries; the biggest change is the Bay Point MAC will have jurisdiction over the business park on the west side of Evora Road, including retail revenue; and also the addition of some hillside acreage, south of San Marcos that is unincorporated, still county land, and at this point falls under Bay Point’s jurisdiction. He stated nobody lives up there, that nothing ever happens up there, but who knows? Mr. Diokno stated the another change is the northern border of Bay Point now extends into the river 500 feet from the shoreline, instead of the couple of miles it used to.
2. The other major change, as stated at the last MAC meeting, is the dissolution of the Project Area Committee (PAC) and the shift of the PAC’s duties to the MAC. He stated these duties will be described by Maureen Toms in her report under New Business later in the meeting.

Mr. Diokno stated all the applications for the newly constituted MAC have been received by the Supervisor and interviews are underway and will be finished this Friday. He stated you might be surprised to learn that there were 14 applicants for the seven seats. Everyone will be informed of the results of the interviews next week and the new MAC will have its first meeting February 2<sup>nd</sup>.

Mr. Diokno stated Supervisor Glover's Annual Crab Feed was a rousing success last Saturday and everyone enjoyed the cooking of guest chef Joe Canciamilla.

Mr. Diokno stated this afternoon Supervisor Glover had stepped down as chair of the County Board of Supervisors and the new chair is District 4 Supervisor Susan Bonilla. He stated Bay Point was well represented; Pastor Franks of Calvary Temple gave the invocation and his wife sang the National Anthem. The Supervisor gave the Chair of the Board Award to two East County organizations, Opportunity Junction, which trains low-income people in 21<sup>st</sup> Century office skills and job placement, and Success Through Self (or STS) Academy, an afterschool program in partnership with the City of Pittsburg and the Pittsburg Unified School District.

Mr. Diokno stated the Supervisor also gave opening remarks at Bay Point's Kwanza celebration that was held at the Ambrose Center on December 30<sup>th</sup>, with over 200 in attendance.

Mr. Diokno stated there are two (2) dates the MAC should pencil in; February 25<sup>th</sup> will be Supervisor Glover's free Grant Writing Workshop which will be held at Los Medanos Community College; and April 11<sup>th</sup> will be the annual Youth Summit, at a place to be announced. He stated more details of these two events will come out as planning gets more concrete.

Mr. Diokno stated lastly that for the first time in many years, Supervisor Glove will not be participating in the Martin Luther King observances in Pittsburg or Antioch on January 19<sup>th</sup>, nor will he appear at the County's celebration on January 20<sup>th</sup> in Martinez because... he will be in Washington DC to attend the historic inauguration of President Barack Obama.

Councilwoman Siegfried asked about rolling recycle bins from both Waste companies that were waiting for Supervisor Glover's release for their use.

Mr. Diokno stated he would look into it.

### **Report by California Highway Patrol – Officer Joe Godman**

Officer Joe Godman introduced himself, and stated there wasn't anything specific to report but was interested in any community concerns. He stated he knew there had been some request for their radar trailer to be put out, and asked if there were any questions.

Councilwoman Siegfried stated that if they ever have a slow evening they could come down Bella Vista and catch the little pocket bike riders speeding up & down her street before someone gets killed; that they're hard to see, with no lights, and no helmets.

Officer Godman stated it was funny she should mention it because they have taken several crash reports out here about adults on the pocket bikes being hit by cars.

Chairwoman Zumwalt asked if it would be him coming to make reports now.

Officer Godman stated that it would probably be him or Officer Brewer. He stated if anyone knows Officer Mark Mitchell, there was a small chance that he would be reassigned to the program that the department uses for coming to these meetings; and if that's the case we would see more of him because he really enjoys coming to these meetings.

Councilwoman Garcia stated she would like to take advantage of the CHP officer's presence here tonight and present him with an Outstanding Citizen award that was given out at last month's recognition ceremony, having been nominated by Councilwoman Kopitar; however no CHP representative was able to attend. She stated she wanted to acknowledge and thank them for their good work in our community.

Resident Michael Kerr asked about Willow Pass Road traffic problems with pedestrians being so hard to see.

Officer Godman stated Michael was right, and that pedestrian accidents were probably number 2 in traffic accidents in our community, with people stepping off curbs or sidewalks into the street. He stated it was probably true that you have to rely on the pedestrians to wait or you would have to drive so slow to see them that you wouldn't get anywhere around here. Officer Godman stated a lot of the areas are not well lit and the pedestrians don't dress appropriately to walk around in the dark. He stated they could put a little more focus on patrolling pedestrians and get the word out that you can't just walk off the curb anywhere you want.

Councilwoman Siegfried stated it would also be helpful if people would check their headlight adjustments too, causing them to shine in your eyes or off to one side. She stated we don't have the checks anymore like they used to have.

Officer Godman stated that if cars are driving up & down Willow Pass Road with their headlights out of adjustment, or with their high beams on, they can make some efforts to patrol that more also.

### **Report by Sheriff's Department – Lt. Mahoney**

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

Lt. Mahoney stated they had selected the next resident deputy for Bay Point, Deputy Mike Tiegler, 17 years with the department, and he should be here sometime this month.

Lt. Mahoney stated there were a couple of interesting cases; the first being the homicide and arson on Azores, which all came about over a stolen flute; the second case was a car-jacking that occurred on Lancaster circle. He stated the deputies showed up and put it out over the airwaves and twenty-five minutes later one of their Martinez deputies on the graveyard shift spotted the car and there was a short pursuit with the car hitting a couple of curbs trying to get off the freeway; he was taken into custody, and they found out afterwards from the City of Pittsburg that during that twenty-five minutes the suspect had been in Pittsburg and shot two people, killing one of them. He stated they were in Pittsburg Court today regarding this case.

Lt. Mahoney stated that Councilwoman Magleby had given him this newspaper article about a deputy getting punched in the face, which was pretty accurate, but the last sentence about "the deputy is expected to make a full recovery" was humorous as he only received a "booboo" on his lip and was right back to work. He stated it had been a domestic violence call.

Chairwoman Zumwalt asked if he would be bringing Deputy Tiegler to the next MAC meeting.

Lt. Mahoney stated as soon as the Board of Supervisors sign off on the use of the money, then Officer Tiegler can take his position and will come to a meeting.

Councilwoman Kopitar asked if they had any leads on who had stolen the guns from the patrol cars.

Lt. Mahoney stated no, not yet. He stated that guns (three rifles and a shot gun) had been stolen out of several of their vehicles last night from in their parking lot in Martinez.

Resident Allison Fine asked about the homeless drunk person that sits in wheelchair on corners along Willow Pass Road, and almost got hit this morning, and why he is allowed to just sit there and drink and drink.

Lt. Mahoney stated that you need to call dispatch, that anyone can call anonymously and report such behavior.

### **ITEMS OF BUSINESS:**

#### **A. REDEVELOPMENT STAFF REPORT – Maureen Toms Information only**

Ms. Maureen Toms stated she had a number of items she wanted to run through, that a number of the items on the agenda had been reported to the PAC, and the MAC had also received back-up materials, but she wanted to at least get these items in the minutes for the beginning of the year.

- **Project Area Committee duties:** Maureen Toms, Bay Point Redevelopment Project Manager, reported that the Board of Supervisors approved the transition of the duties of the Bay Point Project Area Committee (PAC) to the Bay Point Municipal Advisory Council (MAC) at their meeting on December 16, 2008. She stated that this is consistent with two other areas in the unincorporated area that have both MAC's and redevelopment areas, including Rodeo, North Richmond, Contra Costa Centre (Pleasant Hill BART). The duties of the MAC will now include making recommendations regarding Redevelopment within the Redevelopment area.

Ms. Toms stated the Rodeo PAC & MAC were changed about eight years ago, and she had been brining it up to the Supervisors office every couple of years as a way to streamline items here also. Ms. Toms stated what this does is add a report to the MAC's reports agenda and consideration items that would fall under New Business or under Redevelopment on the agenda.

Ms. Toms stated the minutes of the last PAC meeting, since they haven't had a PAC meeting to approve the November minutes, are in draft form and were sent to each PAC member for suggested changes and they will just be put on file as draft minutes; also the 2008 annual report for the PAC was approved by the Board of Supervisors today and copies will be posted on their website as well.

- **FY 08/09 Budget:** Ms. Toms noted that the Redevelopment Agency (the Board of Supervisors acting as the Redevelopment Agency) approved the Fiscal Year 2008/2009 budget for the Redevelopment Area. She also stated that the MAC should consider at a future meeting (before June) to appoint a budget subcommittee to make recommendations to the MAC as to what the priorities are for Redevelopment funds.

- **California Redevelopment Agency lawsuit:** Ms. Toms stated that the California Redevelopment Association and the Moreno Valley Redevelopment Agency have filed a lawsuit seeking to block parts of the budget trailer bill AB1389 on grounds that it is unconstitutional. AB 1389 was approved in September 2008 as part of the State 2008/09 budget package and certain sections authorize a one-time raid of \$350 million in redevelopment funds statewide to back fill funds for education that are the responsibility of the State. Ms. Toms noted that the FY 08/09 budget has a reduction of \$364,343 for the Education Revenue Augmentation Fund (ERAF).

Ms. Toms stated it is hard to say whether or not these will be adjusted, but the state did this in the 90's where they made these shifts for two years, and in response to these shifts there were extensions allowed in redevelopment plans to make up for it. She stated for this shift we would prefer to have the funds rather than any extensions because it really makes it difficult for us to plan.

Ms. Toms stated the other noteworthy item in the budget is loss of assessed values; with the number of foreclosures, and the plummeting of property values, has direct impact on what we are able to budget for. She stated they do have some funds they are setting aside in case this trend continues, and which they expect to continue through the next fiscal year.

- **Orbisonia Heights Status:** Ms. Toms reported that the Agency is continuing to acquire property, relocate occupants, perform asbestos abatement, followed by allowing the fire department to do training exercises (that doesn't involve setting fires), and then demolish the structures. She noted that the disconnecting PG&E has been a factor in the delays of demolition, sometimes taking 6 – 8 weeks. This has required properties to be re-secured to keep out vagrants. She noted that last week the County took possession of the property at 625 Bailey that was in foreclosure. The property is now secured and will undergo abatement and demolition in the coming months.

- **Enterprise Zone:** Ms. Toms reported that the County (on behalf of Bay Point) and the City of Pittsburg will submit an application to the State to designate the area as an Enterprise Zone. The benefits of an Enterprise Zone include tax credits for businesses under certain conditions, including hiring from designated areas and investing in the business.

- **East County Economic Summit:** Ms. Toms stated that for the last three years, the County, on behalf of Bay Point, has participated in the East County Economic Summit. Also participating in the Summit are the Cities of Pittsburg, Antioch, Oakley, and Brentwood. This event is usually held at the end of September.

- **East County Power Breakfast:** Ms. Toms reported that in December, the County (on behalf of Oakley) participated for the first time in the East County Power Breakfast. Since Ms. Toms had a conflict, Vincent Manual, who is familiar with the Bay Point programs, stepped in to represent Bay Point.

- **Proposed Increase of Rail Corridor Traffic:** Ms. Toms stated that in August 2008 it was reported Union Pacific proposes to increase train traffic within the rail corridor. The number of additional trains could be anywhere between five and 40 trains, but is more likely to be 10 to 15 trains. It was suggested that this issue be included in the future newsletter to the community.

There was some discussion about a newspaper article Ms. Toms had forwarded to the MAC members regarding specifics, and also that that they may have already begun increased runs

during the night.

- **2009 – 2014 Housing Element:** Ms. Toms reported that the County is in the process of updating the Housing Element; a requirement every 5 years. A community meeting was held in the Fall of 2008 in Bay Point. Staff will keep the MAC updated on the progress of the Housing Element.
- **LP08-2057 -Love-A-Child Missions Expansion Proposal:** Ms Toms stated staff is reviewing a Land Use Permit to legalize a garage conversion to a community room at the Love-a-Child property on Willow Pass Road. The application is incomplete and will be brought to the MAC once it is complete.

## **B. OLD BUSINESS**

### **1. Consensus Recommendation from voting members of the board on proposed project: LP07-2075 Willow Pass and Clearland apartment project (Southern California Developers)**

Councilman Hoagland stated he and two other members (Garcia and Magleby) had to recuse themselves from the discussion; and they left the dais.

Mr. Diokno stated they could still discuss the item without a quorum; they just couldn't act on it.

Chairwoman Zumwalt stated this item has been on the agenda for several months and not moved on because of lack of quorum, but she would like to move on to item #2 and have a recommendation sent to the East County Planning Commission because their meetings are held in the evening making it easier for residents to come out and participate in this recommendation.

### **2. Request consensus recommendation on LP07-2075 be sent directly to the planning commission for a decision rather than the zoning administrator allowing more community participation in an evening meeting.**

Chairwoman Zumwalt stated she would like Ms. Toms to take the recommendation to county that LP07-2075 be taken to the East County Planning Commission, allowing more community input rather than sending it to the Zoning Administrator.

Ms. Toms stated that whenever they have controversial items, the Director of Community Development often times would prefer it to go the Zoning Administrator first, as they can kind of flush out some of the issues, and it would then go to the East County Planning Commission on appeal. She stated the flushing out of issues is often times important in case something is controversial and may end up in court at a later date.

Chairwoman Zumwalt stated they wanted it to go to the East County Planning Commission first because the Zoning Administrator does not allow residents the opportunity to give input, and regarding this particular piece of property, people would like an opportunity to speak on the issue.

Councilwoman Siegfried stated especially since it has been disapproved twice already by the PAC and once by the MAC.

Chairwoman Zumwalt stated they would like to make the recommendation then to Ms. Toms, or Supervisor Glover.

Ms. Toms stated they would make it to the project planner, and she would relay the message to him.

Mr. Diokno stated he would let Supervisor Glover know also.

**B. NEW BUSINESS**

None

**OFFICERS/COUNCIL MEMBER REPORTS:**

Councilman Hoagland stated he wanted to remind everyone again about the upcoming Master Plan meeting on January 24<sup>th</sup>, regarding improvements to Ambrose Park.

Councilwoman Magleby stated the Kwanza celebration was fabulous with a great crowd and a good program. She also inquired what happened to our other (newer) podium.

Recording Secretary Debra Giles stated it had been broken and is being repaired.

Councilwoman Magleby inquired if anyone had a copy of the state constitution, as she's sworn to uphold it but has never read it.

Members stated it could be found online at the state's website.

Councilwoman Garcia stated that she had spoken to Ms. Toms about the MAC Newsletter and the first Newsletter of the year's deadline would be mid-February for tuning in articles and printed by the end of March, and will be paid for by Redevelopment.

Ms. Toms noted that there is \$4,000 budgeted for the newsletter.

Councilwoman Garcia stated that after looking into costs of labeling the Newsletters themselves, as requested by Chairwoman Zumwalt, the difference is only like \$35.00, taking everything into consideration.

Chairwoman Zumwalt stated she just wanted to make sure they were getting the best price when spending money on the Newsletter.

Councilwoman Garcia stated the second Newsletter would be in September or October.

Councilwoman Magleby asked if they were all in agreement about printing the Newsletter in English and Spanish.

Chairwoman Zumwalt stated they couldn't discuss than now as it wasn't an agenda item, but it could be placed on next month's agenda.

Councilwoman Garcia stated she had some awards from last month's celebration that had not been handed out and wanted to have their names as well as the names of those



present last month mentioned tonight. Besides the CHP presentation tonight, those not present last month were Miguel and Maria Vasquez from Del Valle Produce, Agri and Maggie Magwili from Bay Point Hardware, and Jorge and Vilma Huevo from Los Galilitos Restaurant. Present to receive his award at last month's celebration was Dan Wilson, our Code Enforcement Officer from Contra Costa County.

Chairwoman Zumwalt stated she wanted to thank everyone that supported her while she chaired the MAC this past year.

**REQUEST FOR ITEMS ON NEXT AGENDA:**

1. Election of new MAC Officers
2. Installation of new MAC Officers
3. Center for Human Development's new coalition – Allison Fine
4. MAC Newsletter – English/Spanish
5. Keller Canyon presentation

**ADJOURNMENT:**

**M/Magleby  
S/Hoagland**

**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 8:08 p.m. to the next regular scheduled meeting at 7:00pm on February 2, 2009, to be held at the Ambrose Recreation and Park District Board Room at 3105 Willow Pass Road.

Submitted by  
Debra Giles  
Recording Secretary