RECLAMATION DISTRICT 799

(Hotchkiss Tract)

PO Box 353/6325 Bethel Island Rd., Bethel Island, CA 94511

www.RD799.com

Regular Board Meeting

**Thursday, October 28, 2021**

**Regular Board Meeting at 6:00 PM**

Meeting Minutes

PLEASE BE ADVISED THAT DUE TO THE CORONAVIRUS PANDEMIC, THE DISTRICT REQUIRES THE FOLLOWING SAFETY PROTOCOLS BE PRACTICED WHILE ON DISTRICT PREMISES

* A PROPERLY WORN FACE MASK (COMPLETELY COVERING YOUR NOSE AND MOUTH) IS REQUIRED AT ALL TIMES
* PLEASE MAINTAIN AT LEAST SIX FEET DISTANCE BETWEEN ALL PERSONS
* IF YOU ARE SICK, PLEASE DO NOT ATTEND

PLEASE NOTE THAT YOU WILL BE POLITELY ASKED TO LEAVE IF YOU DON’T COMPLY WITH THE ABOVE SAFETY PROTOCOLS

1. **Call to Order/Roll Call:** the meeting was called to order at 6:01 pm. Present were President Price, Trustees Kent, Hanson, Pierce and Ydens.

Others present for the meeting included District Manager Alvarez, Levee Superintendent Vornhagen and District Secretary Holder. A list of homeowners is outlined on the meeting sign in sheet.

1. **Public Comments**: None
2. **Consent Calendar**: All numbered consent calendar items listed will be acted upon under one vote unless specifically removed from the consent calendar by a member of the Board.
   1. Meeting Minutes from the Regular Meeting on September 30, 2021, 6:00pm\*
   2. Warrants\*
   3. Financial Report(s)\*

**A motion was made by Trustee Hanson and seconded by Trustee Pierce to approve items a – c on the consent calendar. The vote showed five trustees in favor. Motion carried.**

1. **Discussion/Action Items:**
   1. Update/report on Cypress Preserves, Summer Lake North, and Spinnaker Cove developments by District Manager/District Engineer/District Legal Counsel

**DeNova Homes**

District Manager Alvarez attended a pre-construction meeting with DeNova Homes a few weeks ago. The City of Oakley granted the grading permit for the project. Next week they will begin to mobilize equipment and begin the access ramps. Since DeNova Homes has now officially taken over from Encore, they are requesting a new reimbursement agreement. The District has submitted the same reimbursement agreement to DeNova Homes and we are now awaiting a response from their legal team. When DeNova Homes responds to the District about the reimbursement agreement, they will also be sending a Draft Term Sheet for us to review. Their engineering team is reviewing the plans for the reconstruction of pump station #3 and have proposed moving the pump station across the street. The District’s Engineer and the District Manager will be having an onsite meeting with DeNova Homes to go over the proposed plans of moving pump station #3.

**Cypress Preserve**

Cypress Preserve has been stockpiling dirt for the wetlands project. The District Manager was out on the site a couple of weeks ago and they had completed 3 of the 4 pipes for the intersection of the hook up. The District had sent a preliminary O & M 3 months ago and there have been a couple of meetings to go over sections of it and discuss making changes. We are moving slowly through each section of the O & M and discussing the impacts of each step. The District will continue to negotiate with Cypress Preserve until we can reach a viable agreement between both parties involved.

**Spinnaker Cove**

The District is standing ground on approving the pipeline through our levee. We will not approve the pipeline until significant funds are deposited into our accounts to cover pumpstation #4. In the past, the previous owner’s agreement with RD 799 included the cost of pumpstation #4. The pumpstation never came into existence. This agreement is no longer valid. This time around, the District wants the funds up front prior to the pipeline work. We need to have the funds upfront because we do not want a repeat of what happened in the past. The District’s confidence level in the current owners is very low in follow through. We sent them the updated reimbursement agreement a couple of months ago, but we have not heard back from them in over two months.

* 1. Discussion and consideration of modifications to the Reimbursement Agreement between District and 411 South Lincoln Avenue, LLC (Spinnaker Cove) \*

District Manager Alvarez and President Price added a paragraph to the Reimbursement Agreement between District and 411 South Lincoln Avenue LLC stating that the District reserves the right to impose applicable conditions of approval upon developer that must be satisfied prior to the issuance of any building permits and easements and /or demand appropriate consideration. The board supported the modification that was made.

* 1. Discussion and consideration of approval of Resolution 2021-7 “Authorizing the Signing of Agreements for Participation in the Fiscal Year 2021-2022 Delta Levees Subventions Program” \*

**A motion was made by Trustee Ydens and seconded by Trustee Hanson to approve Resolution 2021-7 “Authorizing the Signing of Agreements for Participation in the Fiscal Year 2021-2022 Delta Levees Subvention Program. The vote showed five trustees in favor. Motion carried.**

* 1. Discussion and consideration of scheduling the November 2021, December 2021, and January 2022 board meeting dates\*

**A motion was made by Trustee Pierce and seconded by Trustee Hanson to approve the scheduling of the November and December board meeting to be December 9, 2021. The vote showed five trustees in favor. Motion carried.**

1. **Permits** – Discuss & Possible Action on all New and Pending Permits:
   1. Report of approved permits for routine encroachments\*
   2. Update on Potential Enforcement Actions - none
2. **Engineer’s Report**\*
3. **Information Items**:

Required Board Trustee Training\*

1. **Field Reports**:
   1. District Manager Alvarez\*
   2. Levee Superintendent Vornhagen\*

1. **Office Manager’s Report\***
2. **Chairman’s Report**: None
3. **Trustee Reports**: None
4. **Adjournment**: The meeting adjourned at 6:34 pm.

Meeting Minutes were submitted by District Secretary Holder.

\*denotes supporting documentation available electronically and at the Reclamation District 799 office.

Notice Is Hereby Given:

That the Board of Trustees will consider oral and written public comments. The Chair may announce time limits and direct the focus of public comments for any given proposal. For agenda items not requiring a formal motion, the Chair will announce the opening and closing of the public comments session. If you wish to speak, please stand and state your name and address. Please speak clearly and loud enough for everyone to hear. “This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12132) and the Ralph M. Brown Act (California Government Code 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the District Secretary Dina Holder at (925) 684-2398, during regular business hours, 10:00 am - 2:00 pm Monday - Friday, at least 24 hours prior to the time of the meeting.” Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the District office located at 6325 Bethel Island Rd. Bethel Island, CA 94511