



KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT (KTCS D)

REGULAR BOARD MEETING MINUTES

Thursday, August 1, 2019

Knightsen Garden Club, 3067 Knightsen Avenue, Knightsen, CA

The meeting was called to order at 7:00 pm at the Knightsen Garden Club, 3067 Knightsen Ave., Knightsen, CA.

Members Present: Chair Bello-Kunkel, Vice Chair Somerhalder, Treasurer Matteri, Director Caldwell, Director-Elect deFremery.

Members Absent: None

Audience Members: 19 in attendance

1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Chair Bello-Kunkel called the roll and Director Caldwell led the pledge of allegiance.

2. APPROVAL OF AGENDA

It was moved by Director Caldwell and seconded by Director Matteri, to approve the agenda for the August 1, 2019 regular meeting.

Motion carried by the following vote – Ayes: Directors Caldwell, Matteri and Somerhalder, Chair Bello-Kunkel. Noes: None; Absent: None; Abstain: None.

3. NEW BOARD MEMBER – OATH OF OFFICE

Chair Bello-Kunkel administered the oath of office to Angela de Fremery. Ms. de Fremery assumed her seat on the KTCS D Board of Directors.

4. PUBLIC COMMENT (3 MINUTES PER SPEAKER)

Al B. spoke about proposals from the County about restricting vehicles, storage containers, motocross tracks, and agricultural machinery on properties. He encouraged audience members to attend the KTAC meeting being held on August 20th and speak during the public comment period.

5. AGENCY REPORTS – REPORT FROM REPRESENTATIVE OF THE KNIGHTSEN TOWN ADVISORY COUNCIL (KTAC)

Karen Reyna reported on the KTAC meeting held on July 16, 2019. Reports received from the Sheriff's Department and the Fire District. KTAC is attempting to fill two vacancies on the Council. An update was presented on the wetlands meeting. There was discussion about rebuilding rather than restoring a building in downtown Knightsen. One item was held over to the August meeting since the discussion was about a property owned by a KTAC member and there was not a quorum to discuss the item. Address signs will be discussed at the August meeting. There was discussion about "refreshing" the community and KTAC member Andrew Steudle suggested asking for community assistance and that will be on the August agenda. Discussion about a flea market and Farm to Table event by KTAC member Kim Carone. Knightsen restoration project will be discussed in September or October. The community clean-up event will be in October.

6. CONSENT CALENDAR

A. Approve minutes of the June 6, 2019 regular meeting.

It was moved by Director Somerhalder and seconded by Director Matteri, to approve the minutes of the June 6, 2019 regular meeting.

Motion carried by the following vote – Ayes: Directors Caldwell, de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel. Noes: None; Absent: None; Abstain: None.

7. CORRESPONDENCE

A. 6/20/19: Email from Abigail Fateman, Executive Director, East Contra Costa County Habitat Conservancy notification about Knightsen Wetlands meeting.

Chair Bello-Kunkel reported that Ms. Fateman asked whether KTCSO would be sending representation to the wetlands meeting. Chair Bello-Kunkel advised Ms. Fateman that since the board was not meeting prior to the wetlands meeting the Board would not be able to determine if they would attend as official representatives of the Board prior to the meeting. She advised Ms. Fateman that if KTCSO board members attended the wetlands meeting, they would be attending as community members not as members of the KTCSO board.

B. 6/21/19: Email from Knightsen resident, Rachel Kahler, asking for clarification on the differences between Knightsen Town Community Services District and Knightsen Town Advisory Council. Replied on 6/22/19.

C. 6/26/19: Email from Contra Costa Elections, Olga Hernandez requesting submission of letter to satisfy form 460/470 campaign finance statement reporting by 7/30/19. Completed request on 7/16/19.

D. 7/16/19: Email from Lea Castleberry, Deputy Chief of Staff Supervisor Burgis’ Office, requesting to be added to agenda distribution list. Added to distribution list on 7/16/19.

Chair Bello-Kunkel asked if there was anyone present who is not on the email distribution list who would like to be added to the list.

8. TREASURER’S REPORT

A. Bills Paid:

- i. \$17.55, Contra Costa LAFCO budget appropriation 2019-2020;
- ii. \$300, Garden Club Rent (July, Aug, Sept)

B. Current account balances: Checking: \$20,083.01; 32-day CD: \$50,040.01; 90-day CD: \$205,191.09.

9. CHAIRPERSON’S REPORT – None.

10. OLD BUSINESS

A. Discussion regarding applicants to serve as District legal counsel – Director Caldwell. Approve selection of legal counsel.

Director Caldwell said five candidates were identified. Requests for Proposals went out and four responded. One of them said there was a possible conflict of interest so they withdrew. Three proposals were reviewed and two firms were interviewed by phone. One stood out as having more experience and they were asked to submit an agreement letter. The firm is Churchwell White. No retainer fee is required. The prices for all the firms were similar. Churchwell White is located in Sacramento.

Chair Bello-Kunkel said the agreement is for five years with a 30 day termination clause by either party. Director Caldwell said the hourly rates are \$195 per hour for general counsel and \$255 for specialty legal services. Charges are made in 1/10th of an hour increments.

It was moved by Director Somerhalder and seconded by Director de Fremery, to appoint Churchwell White as District legal counsel.

Motion carried by the following vote – Ayes: Directors Caldwell, de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel. Noes: None; Absent: None; Abstain: None.

11. NEW BUSINESS

A. Discuss and approve renewing agreement with Croce, Sanguinetti & Vandeer Veen (CPA) to complete district's annual audit and financial transaction report.

Chair Bello-Kunkel said an audit is required every year. She said Croce, Sanguinetti and Vander Veen has been doing a good job for KTCSO for about 13 years and recommended continuing the agreement with them.

It was moved by Director Matteri and seconded by Director Caldwell, to approve the agreement with Croce, Sanguinetti and Vander Veen to complete the District's annual audit and financial transaction report.

Motion carried by the following vote – Ayes: Directors Caldwell, de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel. Noes: None; Absent: None; Abstain: None.

B. Discussion regarding Wetlands Meeting held by Habitat Conservancy on July 11, 2019.

Chair Bello-Kunkel said a lot of discussion occurred at the wetlands meeting. She asked the board and audience members to report on their observations of the meeting.

Discussion: Director Caldwell said that he was concerned that the presenters did not know the history of how flooding had occurred in the past as shared by community members and may not work this information in to their plans.

Chair Bello-Kunkel said one community member stated that flooding in 1998 had been caused by the irrigation district and follow-up is needed to understand that. She said there was a lack of notification to the community about the meeting and meeting materials were not provided to the community before the meeting. Concern was expressed about the wetlands resulting in protected species and plants migrating and will that result in future regulations.. About 50 people attended the meeting. Conceptual designs were presented and at least one of those designs included bringing in tidal water. Concern was raised about that raising the water table and impacts on wells and septic systems on neighboring properties.

Carolynne S. commented that they have changed what they previously said the wetlands would be. Before they said there will be wetlands with recreation now the wetlands are going to be dry. She said she has done additional research on the internet and it appears the wetlands are a gateway for the water tunnels and they are going to put dredged soil on the property.

Director de Fremery said that when people asked about recreation they were told it would be 50 years down the road. She expressed concern that they don't know and don't want to make commitments so they can change it at any time.

Karen R. said it was odd that the people running the meeting said they attempted to reach out to the community, but they couldn't meet with us. It felt like the people living here were an afterthought.

Sandy M. said the public outreach for the project is abysmal. Earlier in the project it is easier for us to get them to change the designs. The further they get down the line, the more money they spend it will become more difficult for us to get them to make changes. It was clear that they don't want community members interacting with their consultants because it will slow down the process. Their designs are extremely flawed. With regard to the 1998 flood she heard that what happened is a lot of water came down the drainages days after the rain had fallen and that's when residents started to question what caused the flooding and they

realized people were pumping off their properties and sending it down the drainages. Designing based upon aerial pictures is ridiculous. She said we aren't getting answers regarding the interaction between Knightsen and the wetlands. We aren't getting answers regarding questions about water quality and protecting species.

Linda M. also questioned the actual cause of the 1998 flooding that came through ditches that are for irrigation not drainage.

Rhonda T. said the representative from the Diablo Water District was very interested in forming a citizen advisory group. The presenters didn't seem very amiable to allowing citizen participation.

Sandy M. said the wetlands project is being "fast tracked." They are already doing permitting and CEQA and looking at permitting and CEQA (EIR/EIS) completion by November 2021. Once it gets to that point it is really hard to make changes.

Chair Bello-Kunkel said Abigail Fateman said she was committed to making the documentation available to the public.

C. Review and discuss draft final report received from Environmental Science Associates (ESA) on 7/4/2019. Report is on District website:

https://knightsentowncsd.specialdistrict.org/files/f2cd4815f/Knightsen_SW_Report_July3_Draft+%281%29.pdf

Chair Bello-Kunkel asked for feedback and comments starting with Section 1, Introduction and Background.

Discussion: A considerable amount of discussion ensued and several community members commented that much of the information in Section 1 (including sub-sections 1.1 through 1.7) goes beyond the original scope of work given to ESA. Objectives are cited which were not included in the original scope of work. Several community members proposed that all, or at least portions of Section 1 be struck from the report.

Community members commented that much of the information in Section 1 of the report seems more focused on the ECCHC/EBRPD wetlands project, and not the proposed drainage projects. It was also commented that Section 1 seems to be oriented toward a narrative to support grant funding requests which was not in the original scope of work.

Chair Bello-Kunkel said the scope of work and contract with ESA would be placed on the KTCSO website so everyone will have access to that information.

Section 1.1, Project Area. There were comments about whether statements in the report are factual. Statements are made without reference to their origin. Sandy M. said the 0.3% slope reference seems low and no reference to that value is provided. Reference is made to pumping occurring that gives the impression that water is "artificially" sent to the Nunn property when it actually naturally flows there. Throughout the report there are references to water being rerouted in an unnatural way to the EBRPD parcel.

Director Caldwell pointed out that the parcel was bought by EBRPD in the state it is in now. Nothing has changed since they purchased the property.

There was discussion about the report indicating that the EBRPD parcel is east of the KTCSO district boundaries when in fact the parcel currently falls within KTCSO boundaries. Also, there was discussion about maps and diagrams in the report being inaccurate.

Barbara D. remarked that the report states "The flat topography combined with a variety of constructed features restricts drainage and results in relatively frequent flooding in some areas of the community." No references. Don't know what they are talking about. There is standing water, but not flooding. Karen R. asked that definitions of "flooding" be provided.

Section 1.2. With regard to the reference to "clogged" culverts there was discussion about whether problems could be alleviated if the County cleared the clogged culverts.

Regarding pumping that occurred in 2017, there was discussion that the pumping occurred to protect Veale Tract. Director Caldwell questioned whether under California Water Law we ever had a need to pump water since it was natural run off.

Concern was expressed about the report narrative. The report gives the impression the whole of Knightsen is in the 100 year flood zone. There is no drainage along Ironhorse Road as described in the report. Only a very small portion of the KTCSD area is in the 100 year flood zone. It was commented that this report seems to have been drafted to secure Prop 1 money and it was drafted to advantage the wetlands. The report supports a false narrative that we are sending water artificially to Nunn property and impacting water quality.

There was considerable discussion regarding having ESA re-write the report so that it only addresses what was in the original scope of work.

Section 1.3. It was commented that there are no timely and current references that Knightsen is degrading water quality. The information seems to be intended to ensure that measures must be taken to address supposed water quality issues.

The report states, "The CSD plans to complete a water quality sampling study to identify specific contaminants to be targeted by future facilities." There is nothing in past agendas or meeting minutes that states this.

Section 1.5. Discussion that any description of KTCSD's role should be prepared by KTCSD and language should be drawn directly from Measure Z that established the district in 2005. It was pointed out that the statement that flood control services "were previously provided" by Contra Costa County is incorrect because the County still provides flood control services to the community.

Section 1.6. It was questioned why a discussion of the Habitat Conservancy Parcel is included in this report. The report references an "agreement" between KTCSD and the ECCHC, but no such agreement exists.

2. Hydrology. There was insufficient time to review Section 2 in detail. However, Paul K. pointed out that the report states that if the drainage network is improved this will facilitate build out to five acre parcels. Several community members commented that they do not see this as a benefit and would prefer to maintain the 10 acre minimum parcel size.

12. FUTURE AGENDA ITEMS

- A. Presentation(s) by ESA, County Public Works (PWD), East Bay Parks (EBRPD) and/or Habitat Conservancy regarding proposed projects and project updates.
- B. Public Hearing regarding proposed projects following presentation(s) by ESA, PWD, EBRPD and/or Habitat Conservancy.
- C. Questions regarding Curlew Connex basin.
- D. Obtaining documentation from the Parks District about moving water from the District to the parks/wetlands.
- E. Determination whether having a special district protects Knightsen's boundaries from encroachment by Oakley and Brentwood.
- F. Revision and update of District By-Laws.
- G. Activities KTCSD may be involved in aside from proposed drainage and flood control infrastructure projects.

13. ADJOURNMENT

- A. The next regularly scheduled board meeting is on Thursday, September 5, 2019, at 7:00pm

It was moved by Director Matteri, seconded by Director Caldwell to adjourn the August 1, 2019 meeting. Motion carried by the following vote – Ayes: Directors Caldwell, de Fremery, Matteri and Somerhalder, Chair Bello-Kunkel. Noes: None; Absent: None; Abstain: None.

The meeting adjourned at 8:32pm.