

**BAY POINT MUNICIPAL ADVISORY COUNCIL
MINUTES – November 4, 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 Chairwoman Vickie Zumwalt

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 November 4, 2008, having removed Willow Pass/Clearland LP072075 from New Business. Vote 6 – 0

APPROVAL OF MINUTES:

Approval of the October 7, 2008 Code Enforcement committee and MAC meeting Minutes

M/Magleby
S/Garcia

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

PUBLIC COMMENTS for items not on the agenda:

Dick Leonard, of Golden State Water Company stated Paul Schubert had wanted to be here tonight and make the announcement, but that he had surgery on his shoulder. Mr. Leonard stated Golden State Water Company is having an Open House on November 13th at 7:00pm here at the Ambrose Center; including the engineering department to discuss the chlorine and fluoridation systems and the options they have. He stated they will have “rates” people available to go over how they have to go through the PUC and all the rules they have to follow, and they have invited the PUC to have representatives there also. Mr. Leonard stated there will be a mailer sent out to inform the residents.

Chairwoman Zumwalt asked if this would be a meeting where they mainly give out information or mainly answer questions.

Mr. Leonard stated that it would be both; that there will be a PowerPoint presentation, and then they would be breaking up into small groups for questions and discussions, so whatever your interest is you can go to that group or groups.

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 Recommendation to approve outstanding LUP’s and/or Alcohol License applications– Councilwoman Siegfried**

M/Siegfried

S/Garcia

Members present approved the Consent Calendar. Vote 6 – 0

PRESENTATIONS:

Bay Point Outstanding Citizen of the Month Award – Councilwoman Garcia

None this month.

General Chemical’s Industrial Safety Ordinance audit – presented by Habib Amin of Contra Costa County Health Services Department

Mr. Habib Amin stated he was pleased to be presenting the Fourth Safety Audit of General Chemical in Bay Point and described how county has been involved.

Mr. Amin’s involved presentation included a PowerPoint presentation and discussion of:

- The Safety Audit process,
- The Timeframe for Facilities to address corrective Actions, and
- General Chemical in Bay Point’s Safety Audit Findings, including
 - Management System report,
 - Process/equipment report, and
 - Additional County Industrial Safety Ordinance requirements

Mr. Amin gave a thorough explanation of prior audits, all the steps, findings, and county ordinances involved in the Audit and Report of General Chemical Bay Point Works.

Mr. Amin stated you can review the complete Safety Audit Report at the Bay Point Library at Riverview Middle School, or call their office at 925-458-2286 for an appointment to view them. He stated written comments are due to the County Health Services by December 15, 2008 through the Contra Costa Health Service Webpage, www.cchealth.org/groups/hazmat. Or you could contact him at 925-646-2930 or email him at hamin@hsdccccounty.us.

Chairwoman Zumwalt asked how many of the 60 problems found this year were the same as previous years.

Mr. Amin stated some (20 – 25%) of the actions are the same, but others are improved on so they are only partial action items.

Chairwoman Zumwalt asked if the other 7 companies audited in Contra Costa were

larger than General Chemical.

Mr. Amin stated some were larger and others smaller. He stated among the eight facilities are the 4 major refineries, General Chemical plants in Richmond and Bay Point, and two chemical companies located within 2 of the refineries.

Chairwoman Zumwalt asked what category most of the problems were in.

Mr. Amin stated that a significant portion (70%) of them have been with the County Safety Ordinance requirements.

Chairwoman Zumwalt asked about the Audit Report being available online.

Mr. Amin stated that the Report Summary was available now on their website, and he could provide her a copy of the 60 specific action items.

Councilwoman Siegfried asked if most of the problems were documentation problems, training problems, or both.

Mr. Amin stated it was a mixture of both, that there have to be improvements in culture, in the level of involvement by operations and management, staff and safety programs, and technical expertise available on site; considering they have change-overs frequently.

Councilwoman Magleby asked what the significance of the December 15th date was.

Mr. Amin stated the Audit documents are available for public viewing for 45 days, and any comments by the public can be sent to them, and after the 45 days it becomes the final report, and General Chemical will begin implementation of the action items.

General Chemical Response to Industrial Safety Ordinance audit – Brad Klock, Manager of General Chemical Bay Point Works

Mr. Brad Klock began by introducing other staff in the audience and what their jobs entailed. He stated they look at safety, security, and quality as one, because they are truly related. He also had a PowerPoint presentation.

Mr. Klock stated General Chemical manufactures high purity materials, specifically wet chemicals that are used in Semiconductor manufacturing; and explained how they were used to clean and etch the integrated circuits. Mr. Klock stated they sell their products mostly to the Intels and National Semiconductors of the world, also locally to Systron & Donner in Concord. He stated 85% of their business is done in the US and 15% outside the US, mostly in Asia

Mr. Klock stated that regarding the audit, if you look at the past audits there has been a 42% reduction in findings or action items. He stated they were happy with the reduction but not happy with the total number; that ultimately the goal is to have zero.

Mr. Klock stated that it is truly a continuous improvement, and that he expects in three years when inspectors come to their plant that the bar will be set a little higher.

Mr. Klock explained in detail the plant's Safety Vision, the safety culture at the Bay Point facility; that safety is everybody's business, and they firmly believe that all accidents are

preventable. He stated they also put out a newsletter every other month regarding safety, and they award safety employee of the month.

Mr. Klock spoke on the importance of communication and noted that everyone in the plant knows him, and if an employee sees something that is a safety issue, they know they can talk to him and not wait for a union safety meeting to bring it up. He stated that the trend, internally, is the employees feel better about working at the plant everyday.

Mr. Klock stated that their operations is complicated, but that he would stand up today and say that it is a safe operation in Bay Point.

Mr. Klock then went into detail of the findings reported in the audit report.

Mr. Klock stated regarding security they have recently put in concrete barriers around the facility, installed additional security cameras around the facility, and put in a truck crash barrier at the entrance gate which would stop a 15 thousand pound truck at 50 miles an hour.

Mr. Klock stated regarding NPDES, National Pollution Discharge Elimination System, that as of May this year, nothing further went into the lagoon in Bay Point, and closure and remediation of that area will be the next step.

Mr. Klock stated regarding community industry involvement, about how you can contact them if you have questions, you can find them on several different occasions; the Bay Point Community Advisory Panel, the Bay Point Chamber of Commerce, the California Chamber of Commerce, the MAC meetings sometimes, the Industrial Association of Contra Costa County, Semiconductor Equipment & Material International, and on the Board of California Industrial Council. Mr. Klock stated they are a part of Bay Point, that we are all neighbors, and he would be happy to address any questions anyone has.

Councilman Hoagland stated that General Chemical is to Bay Point almost like the Naval Weapons Station is to Concord, and he highly suggests having an Open House, so the public could see what the MAC members had seen a couple years ago about their operations. He stated that way the mystique and unknown is taken away about the plant.

Mr. Klock stated he had thought about that too, and the benefit would be catching a lot of people at the same time, to the extent that they have security requirements and can't just have an open gate. He stated they welcome anybody and everybody, but they don't want to have 2 people every week for the next 6 months.

There was a short discussion of maybe having a luncheon and inviting residents.

Willow Pass Apartments – Scott Borland speaking on behalf of Ricky Torres

Mr. Scott Borland distributed a hand-out, and stated they were currently working with the planning department on this project. He stated he had only come onto this project about a week ago and is still 'getting his feet wet', and may not have answers to every question, but would be sure to get back to them.

Mr. Borland stated he has been with Global Premiere Development for about five months, and Global Premiere has been around for about 10 years. He stated that they currently have 46 projects under management, and have 7 projects under construction throughout

California.

Mr. Borland stated the Willow Pass project is on 2 acres mixed use, retail and portable units. He stated it is going to be 53 units, 34 of those to be 2 bedrooms, 19 to be 3 bedrooms, a manager's unit and also incorporate retail space.

Mr. Borland stated they are working with the Planning Commission, had met with the PAC a few weeks ago, and wanted to present this to the MAC and get the MAC's input and support for this project.

Mr. Borland than went into some detailed site changes that are being considered about the parking issue, the loading issue, the building stories (height), and the retail space itself.

AGENCY REPORTS:

Supervisor Federal Glover's Office – Ed Diokno

Chairwoman Zumwalt read the written report given her by Mr. Ed Diokno as he was unable to stay.

Last night the Environmental Justice Committee for Bay Point held a meeting to discuss the fluoride issue. About 2 dozen people attended and included representatives from Golden State Water Company.

On November 13th, Golden Stated Water Company will hold its workshop on adding fluoride to your water. It will be at Ambrose at 7:00pm.

Also on November 13th, the mandatory MAC training session will be held in Martinez starting at 4:30pm until 6:00pm.

The Environmental Justice group will begin a series of six weekly classes on November 10th centering around the environment and community organizing. Topics include water, illegal dumping, hazardous materials, air quality and risk assessment.

On November 21st Supervisor Glover and staff will be continuing his annual tradition of giving away free Thanksgiving turkeys throughout District 5, from Bay Point to Bethel Island. They expect to give away 500 gobblers this year.

ITEMS OF BUSINESS:

A. OLD BUSINESS

1. Information and Questions Only – Report on Keller Canyon Tour for MAC Members, and opportunities for a second community tour – Councilwoman Siegfried

Councilwoman Siegfried stated she was impressed; that when you go up there you don't see any garbage, that everywhere they have already filled is covered and has lovely grass on it. She stated she watched them cover up the trash just as fast as they were dumping it.

Councilwoman Siegfried stated their collection system for collecting all the runoff is done well; everywhere you go there are collections, and then it goes into a pond where it is filtered.

She stated all the methane gas they collect there; they are building a power plant where they will be using the methane.

Councilwoman Siegfried stated Keller Canyon is planning an Open House, and people should be getting their invitation when the time comes.

Councilwoman Siegfried stated again how impressed she was; there is no odor, no garbage lying around, and they have something that scares away any birds that come in, so you don't even have the circling sea gulls.

Councilwoman Siegfried stated they had asked about recycle material being dumped into the same truck, and been told that it is separated on site; that after the first of the year they should have separate containers available to residents.

Councilwoman Garcia stated she too was impressed, and had invited them to come make a presentation to the MAC, and maybe to the larger community, because it is nothing like the 'dump' people think of. She stated that just like the other Bay Point industries, she has gained respect for them after visiting their site.

When asked about doing another public tour, Councilwoman Siegfried stated that's like what they are planning on doing with their Open House.

Councilman Hoagland stated they were open to doing another tour for the MAC, where they take you out in their vehicle and show you around; that you don't actually do any walking at all, except from the conference room to the truck.

Councilman Hoagland stated that the Active Work Area, where they are actually dumping the garbage, is less than 1 acre of land. He stated that it was just phenomenal the care they took to cover it up quickly with clippings, every if they're going to take a break, they cover it up with the lawn clippings so that it doesn't slip out into the air.

Chairwoman Zumwalt asked if they had inquired about all the plastic bags flying off the trucks.

Councilwoman Siegfried stated "yes" and they have a group that's been coming down and picking up from the corners and along the canal; and they are also going to be working with BART to clean up along the BART track. She stated they had also spoke about the trucks not having their covers tied on tight, and the man who works the transfer station was there and said he would look into it.

Councilman Hoagland stated that part of the problem is with the stuff that's on the freeway, that CalTrans won't let them go on the property to clean it. He stated that while they were on site they saw men with big trash bags on their shoulders going around and picking up any little loose trash.

Councilwoman Garcia stated it was a very sophisticated operation in dumping and covering the trash so it doesn't get away.

Councilwoman Zumwalt asked if they said when they would be filled to capacity.

Councilman Hoagland stated that if their amended land use is approved, it will be 30 to

35 years; that they had scheduled 50 originally. He stated that it was also interesting that they had planned buffers, just in case they want to continue in 50 years, they can go to the next valley that they own. He stated it is a well run organization, that was gracious about showing them around.

There was another discussion about recycling.

2. Report on Newsletter printing charges – Councilwoman Garcia

Councilwoman Garcia stated that she was still waiting to hear from Maureen Toms, and Maureen Toms was still waiting to hear about the county's budget.

Chairwoman Zumwalt stated they would table this to next month's agenda again.

3. Information on dates for submitting articles and publishing of the Bay Point Newsletter in 2008 & 2009 – Councilwoman Garcia

Tabled until next month also.

B. NEW BUSINESS

1. Recommendation to approve outstanding LUP LP072075; Willow Pass Road and Clearland Apartments – Councilwoman Siegfried

Council members Hoagland, Garcia and Magleby recused themselves from this discussion.

Councilwoman Siegfried stated this was the one they didn't want to approve, that the PAC hadn't approved it either.

With members absent and recused, there was not a quorum for voting, and item was tabled to next month.

2. Discussion/Recommendation for canceling the December 2, 2008 Code meeting. In place of this from 6 – 7:00pm have recognition of our Fire Fighters, Sheriff and Highway Patrol personnel and call back all Outstanding Citizen of the Month recipients as an end of the year celebration of Bay Point's Outstanding Citizens, as well as other members of the community who give so much to Bay Point – Chairwoman Zumwalt

Chairwoman Zumwalt stated she would like to suggest using the 6:00 -7:00 hour to recognize and honor all the past year's Citizen of the Month awardees, community law enforcement, and community firefighters, instead of having the Code committee meeting.

M/Garcia

S/Magleby

Members present approved the recommendation of having a recognition and celebration of all past Citizen of the Month awardees, Sheriff's Department, Highway Patrol and Fire Department at next month's meeting instead of the Code meeting.

Vote: 5 – 0 with one abstention (Siegfried)

3. Discussion/Recommendation of funds for December 4, 2008 meeting to include punch and cookies for the 6-7:00pm citizen celebration – not to exceed \$50.00. Ask for volunteers to assist in set up of celebration and options for donation of home made cookies! – Chairwoman Zumwalt

Chairwoman Zumwalt stated that she would like to have the \$50.00 funding for next month's celebration, cookies & punch, come from the MAC, and also have volunteers to make and bring goodies.

**M/Garcia
S/Kopitar**

Members present approved the recommendation for having \$50.00 of the MAC's budget spent on punch and cookies, and volunteers to also bring cookies. Vote: 6 – 0

OFFICERS/COUNCIL MEMBER REPORTS:

Chairwoman Zumwalt stated that for her report she would like to give Eva & Terrilynn a special "Thank you" for putting together the food and activities for the joint MAC meeting last month. She stated it was a very good meeting, was well received by the other MAC's, and all the work Eva & Terrilynn did was very much appreciated.

Councilwoman Magleby stated that November 13th will be very busy with several meetings going on that day, including the meeting at the Board of Supervisors, the Golden State Water Co. meeting, and the Ambrose Recreation & Park District Board meeting.

Councilwoman Kopitar stated she had attended the last CAP meeting, and that being a member she sees how all 3 companies keep their businesses immaculate, that when driving through to the back where they have their meetings, everything is well kept. She stated one of the things that came up at the last meeting was medians proposed to go in on Willow Pass Road, and it would definitely affect 2 of the CAP businesses, Criterion and Henkel, negatively. She stated she thinks they do an awesome job; they give reports every month, they've also given tours of each facility the last 3 months, and she encouraged others to join.

Councilwoman Kopitar stated she did want to make note regarding General Chemical's Safety Audit, that they had said 70% of their findings were implementation of data. She stated she believes they do a good job of keeping everyone safe.

Councilwoman Garcia stated she just wanted to recommend that Councilwoman Magleby be the comedian at next month's celebration.

Councilwoman Siegfried stated that they had a Code meeting today and they haven't had a lot of cooperation with the county, so far as ABC (Alcoholic Beverage Commission) problems and alcohol licensing; that they now have a new group, the East County Alcohol Policy Coalition; that a woman from that group was at the meeting today, and she was going to be working with them.

Councilwoman Magleby stated that she understands they are going to be easy to work with, that she had attended a Partnership meeting and met them.

Councilwoman Siegfried stated that they are very enthusiastic, and Code has a lot of background information to give them; that they already went over the business on Belle Monte

with her. She stated that they will be sending in undercover persons to some of the businesses.

Councilwoman Siegfried stated that for the actual meeting with the Code Enforcement, that he is so very swamped with abatements and foreclosures. She stated we are having vacant houses being broken into, having the wires stripped, vandalism, which is just a mess; that she has a list of Code violations to turn in, but compared to what he's dealing with, they are just minor things. She stated county is going to look at the fines, that some of them had been on the list for over one thousand days, which is several years, and to some it has become an art-form of manipulating the system; and they aren't getting the money back to run the program.

REQUEST FOR ITEMS ON NEXT AGENDA:

1. MAC Newsletter - funding
2. MAC Newsletter – dates for submitting articles and publication
3. Willow Pass Rd./Clearland LUP
4. 3 New LUP's
- 5.

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 8:30 p.m. to the next regular scheduled meeting at 7:00pm on December 2, 2008, to be held at the Ambrose Recreation and Park District Board Room at 3105 Willow Pass Road.

Submitted by
Debra Giles
Recording Secretary