

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

May 14, 2008

Board of Supervisors Chambers
Martinez CA

1. Chair Rob Schroder called the meeting to order at 1:30 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:

City Members Rob Schroder and Helen Allen and Alternate Don Tatzin.

County Members Gayle Uilkema and Federal Glover.

Alternate Public Member Bill Bristow.

Special District Members Dwight Meadows and David Piepho and Alternate George Schmidt.

Present were Executive Officer Lou Ann Texeira, Legal Counsel Silvano Marchesi, Commission Clerk Kate Sibley, and Planner Nat Taylor.

4. Chair Schroder welcomed and congratulated re-appointed Commissioners Helen Allen and David Piepho.
5. Approval of the Agenda

Upon motion of Uilkema, second by Glover, the agenda was adopted.

6. Public Comments

There were no public comments.

7. Approval of April 9, 2008 Minutes

Upon motion of Uilkema, second by D. Piepho, the minutes for the April 9, 2008 meeting were approved.

8. LAFCO 07-29 – Signature at Veranda LLC (Nové) Annexation to County Service Area (CSA) L-100

Upon motion of D. Piepho, second by Meadows, the Commission unanimously certified that it reviewed and considered the information contained in the Mitigated Negative Declaration and Addendum; approved the proposal to be known as the Signature at Veranda LLC (Nové) Annexation to CSA L-100 as submitted, with specified conditions; determined that the territory being annexed is liable for taxes, assessments and charges; found that the subject territory is uninhabited, that all affected landowners have consented to the annexation, that

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the annexing agency has consented to the waiver of conducting authority proceedings, waived conducting authority proceedings and directed staff to complete the proceedings.

9. LAFCO 08-09 – Dutra and Adjoining Properties Annexation to East Contra Costa Irrigation District (ECCID)

Upon motion of D. Piepho, second by Meadows, the Commission unanimously certified that it reviewed and considered the information contained in the Mitigated Negative Declaration and CEQA documentation; approved the proposal to be known as the Dutra and Adjoining Properties Annexation to ECCID as submitted, with specified conditions; determined that the territory being annexed is liable for taxes, assessments and charges; found that the subject territory is uninhabited, that all affected landowners have consented to the annexation, that the annexing agency has consented to the waiver of conducting authority proceedings waived conducting authority proceedings and directed staff to complete the proceedings.

10. LAFCO 08-10 – 1875 Loveridge Road Annexation to Delta Diablo Sanitation District (DDSD)

Upon motion of D. Piepho, second by Meadows, the Commission unanimously found that the project is exempt from CEQA pursuant to Government Code §15061(b)(3); approved the proposal to be known as the 1875 Loveridge Road Annexation to DDSD as submitted, with specified conditions; determined that the territory being annexed is liable for taxes, assessments and charges; found that the subject territory is uninhabited; that all affected landowners have consented to the annexation, that the annexing agency has consented to the waiver of conducting authority proceedings; waived conducting authority proceedings and directed staff to complete the proceeding.

11. LAFCO 08-13 – DiMaggio Annexation to County Service Area (CSA) L-100

Upon motion of D. Piepho, second by Meadows, the Commission unanimously found that the project is exempt from CEQA pursuant to Government Code §15061(b)(3); approved the proposal to be known as the DiMaggio Annexation to CSA L-100 as submitted, with specified conditions; determined that the territory being annexed is liable for taxes, assessments and charges; found that the subject territory is uninhabited, that all affected landowners have consented to the annexation, that the annexing agency has consented to the waiver of conducting authority proceedings; waived conducting authority proceedings and directed staff to complete the proceedings.

12. LAFCO 08-15 – Phillips Annexation to County Service Area (CSA) L-100

Upon motion of D. Piepho, second by Meadows, the Commission unanimously found that the project is exempt from CEQA pursuant to Government Code §15061(b)(3); approved the proposal to be known as the Phillips Annexation to CSA L-100 as submitted, with specified conditions; determined that the territory being annexed is liable for taxes, assessments and charges; found that the subject territory is uninhabited, that all affected landowners have consented to the annexation, that the annexing agency has consented to the waiver of

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conducting authority proceedings; waived conducting authority proceedings and directed staff to complete the proceedings.

13. LAFCO 08-03 – Annexation 166 to Central Contra Costa Sanitary District

Staff provided a brief overview of the annexation proposal and explained that, because this annexation did not have 100% landowner consent, a protest hearing was required. The protest hearing is ministerial and conducted by the LAFCO Executive Officer. The protest hearing was held on May 12. No written protests were filed prior to the close of the hearing.

Upon motion of Uilkema, second by Glover, the Commission unanimously approved the Determination of the Executive Officer and ordered the Annexation 166 to Central Contra Costa Sanitary District subject to the terms and conditions contained within the Commission's resolution of approval, dated April 9, 2008.

14. LAFCO 08-16 – San Pablo Dam Road Annexation to County Service Area (CSA) L-100

Staff reported that, at the request of residents along San Pablo Dam Road in unincorporated El Sobrante, the County has agreed to install street lights in the area, which was developed prior to the County requirement to annex to the countywide street lighting district - CSA L-100.

Staff provided a brief overview of the proposal and protest proceeding requirements.

Upon motion of Allen, second by Uilkema, the Commission unanimously certified that it reviewed and considered the information contained in the Negative Declaration; approved the proposal to be known as the San Pablo Dam Road Annexation to CSA L-100 as submitted, with specified conditions; determined that the territory being annexed is liable for taxes, assessments and charges; found that the subject territory is inhabited, that no written protests had been received at the close of the public hearing, that the annexing agency has consented to the waiver of conducting authority proceedings; waived conducting authority proceedings and directed staff to complete the proceedings.

15. LAFCO 06-16 – Mirant Power Plant Reorganization: Annexations to City of Pittsburg and Delta Diablo Sanitation District (DDSD)

Staff reported that this reorganization proposes to annex 1,467± acres to the City of Pittsburg, of which 1,427± acres will also be annexed to DDSD, and includes the Mirant Power Plant and surrounding areas, including open space, wetlands, submerged property and 298± acres of State of California lands within Suisun Bay.

Staff provided an overview of the proposal highlighting land uses and other issues.

Connie Tolleson, a resident of Bay Point, opposed this reorganization and pointed out that Bay Point needs a high school.

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John Bellando, Deedee Ferro, and Jose Badillo, representing ACORN (Association of Community Organizations for Reform Now), presented a letter, commented on the need for more public outreach, and spoke individually requesting a full EIR before allowing the reorganization to go forward.

Michael E. Kerr, a resident of Bay Point, expressed concern over the loss of territory for the Bay Point community and the need for further public input.

Larry Reasor, owner of property alongside the tracks in the annexation territory, spoke of his support for the reorganization.

Jerry McKeever, from Riverview Mobile Home Park (within reorganization territory) commented about his requests to the City of Pittsburg for 5- and 10-year plans for the area.

Brenda Stevenson, whose parents own property in Riverview Mobile Home Park, also commented that he would like to see the promised 5- and 10-year plans.

Marc Grisham, City Manager of the City of Pittsburg, commented that the mobile home parks can stay in place forever; the City has set aside funds to upgrade the area, and that the City takes community outreach very seriously.

Public hearing was closed. Commissioners commented on the various aspects of the proposal, including the length of time the proposal had been pending and the inclusion of State lands. The Commission urged Mr. Grisham to hold a public meeting in the area regarding the City's plans, which he stated he had already agreed to do.

Upon motion of Glover, second by Allen, the Commission unanimously certified that it reviewed and considered the information contained in the Negative Declaration and CEQA documentation; approved the proposal to be known as the Mirant Power Plant Reorganization: Annexations to City of Pittsburg and DDS as submitted, with specified conditions; determined that the territory being annexed is liable for taxes, assessments and charges; found that the subject territory is inhabited; that no written protests had been received at the close of the public hearing, that the annexing agencies have consented to the waiver of conducting authority proceedings; waived conducting authority proceedings and directed staff to complete the proceedings.

16. LAFCO 07-23 – Sky Ranch II Reorganization: Annexations to the City of Pittsburg, Contra Costa Water District (CCWD) and Delta Diablo Sanitation District (DDSD)

Staff reported that this reorganization, which will annex approximately 160 acres to the City of Pittsburg, CCWD and DDS, will extend water, wastewater and other municipal services to a proposed development of 415 single-family dwelling units, detention basin and mini park.

Staff provided an overview of the proposal, highlighting current and proposed land uses and water supply issues.

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Louis Parsons, representing Discovery Builders, the developer of Sky Ranch II, commented that his company concurs with the staff recommendations.

Upon motion of Glover, second by Uilkema, the Commission unanimously certified that it reviewed and considered the information contained in the Environmental Impact Report and CEQA documentation; approved the proposal to be known as the Sky Ranch II Reorganization: Annexations to City of Pittsburg, CCWD and DDSD as submitted, with specified conditions; determined that the territory being annexed is liable for taxes, assessments and charges; found that the subject territory is uninhabited, that all affected landowners have consented to the annexation, that the annexing agency has consented to the waiver of conducting authority proceedings; waived conducting authority proceedings and directed staff to complete the proceedings.

17. Spheres of Influence – DDSD, CCCSD and CCWD

Staff provided a brief recap of the MSR/SOI process and the issues relating to the three districts. Staff distributed maps of the three districts depicting those areas being considered for SOI expansions to match voter approved Urban Limit Lines. Additionally, staff reported on discussions with affected agency staff and estimated costs for preparing the environmental review(s).

Staff reported that of the five affected agencies (three districts and two cities), CCWD and CCCSD, have indicated in writing, citing numerous reasons, that they have no interest in expanding their SOIs, preferring to maintain their status as respondents to land use planners' needs rather than as land use planners themselves. Both cities, Pittsburg and Antioch, said they were not opposed to the SOI expansions, but did not have funds to finance CEQA work. DDSD indicated it would be willing to share in the costs of an Initial Study relating to their district's SOI.

Staff explained LAFCO funding and options.

Commissioner Glover commented that he would prefer to see the cities pay for this, and if they aren't interested, perhaps the Commission should not consider it.

Commissioner Allen stated that she would have no objection to LAFCO funding such an Initial Study(ies).

Commissioner D. Piepho commented on the relationship between SOI and ULLs.

Marc Grisham, City Manager of the City of Pittsburg, commented that he believes LAFCO should be lead agency in such CEQA work, and that the City of Pittsburg would seek funding from interested parties to fund the CEQA work.

Chair Schroder commented that there are two districts that are not interested in pursuing this. Staff referred Commissioners to those districts' letters in their agenda packets.

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Troy Bristol, representing Save Mount Diablo, presented a letter concurring with CCWD and CCCSD and their statements that these districts are not land use agencies. Additionally, given that Pittsburg's Hillside Ordinance is not yet in place, a CEQA study to expand the SOIs for these districts would be inadequate in advance of the specific development parameters in the hillside ordinance.

Dennis Linsley, representing himself and Friends of Pittsburg/Save Our Hills, commented that there is no sense in doing a CEQA study until there is a specific plan in place.

Michael Kerr, of Bay Point, stated that expanding the SOIs for these districts will encourage more hillside development, which residents do not support.

Louis Parsons, representing Discovery Builders, reminded the Commissioners that the State Legislature gave LAFCOs power to do Municipal Service Reviews, along with related SOI adjustments. If Pittsburg will provide funding [to match DDSD's offer], Discovery Builders will help fund the CEQA work.

The Commission discussed the concerns of the affected agencies, LAFCO's role and funding issues.

Public hearing was closed. Commissioner Allen moved, with a second by Bristow, that LAFCO proceed with an Initial Study to expand DDSD and CCWD to make all SOI boundaries coterminous with Pittsburg, Antioch and County ULLs, with funding to be provided by the City of Pittsburg and DDSD and LAFCO as the lead agency.

Following further discussion, Allen withdrew her motion. Commissioner Piepho asked that all three districts in question (DDSD, CCCSD and CCWD) have representatives at the June meeting to participate in the discussion. Commissioner Tatzin suggested that it would be useful to have a timeline for all pending MSRs to provide further perspective.

In response to a question about LAFCO initiating an Initial Study and charging the districts that don't want to participate, Legal Counsel Marchesi said that it is a LAFCO project, therefore LAFCO cannot bill for reimbursement.

Commissioners directed Staff to perform additional analysis and bring this item back to the Commission in June.

18. Adoption of Final Budget for FY 2008-09

Staff presented the final proposed budget for Fiscal Year 2008-09, which reflects a slight increase of 2.3% over the current year budget.

Commissioner Uilkema asked if the interest earnings come from investments through LAIF, and recommended monitoring those earnings, given the state of interest rates; and suggested that a mid-year budget adjustment may be needed.

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Upon motion of Bristow, second by D. Piepho, the Commission unanimously approved the Final Budget for FY 2008-09 and directed staff to distribute the Final Budget to the County, cities, and independent special districts as required by Government Code §56381.

19. Commissioner Comments and Announcements

There were no Commissioner announcements.

20. Staff Announcements and Pending Projects

There were no Staff announcements. Pending projects and a comprehensive legislation update were included in the agenda packet.

Meeting adjourned at 3:35 p.m.

Final Minutes Approved by the Commission on June 11, 2008.

AYES:

NOES:

ABSTAIN:

By _____
Executive Officer

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