

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

July 9, 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
Public Member Martin McNair and Alternate Bill Bristow
Special District Alternate George Schmidt

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

4. Approval of the Agenda

Upon motion of McNair, second by Schmidt, the agenda was unanimously adopted.

5. Public Comments

There were no public comments.

6. Approval of June 11, 2008 Minutes

Upon motion of Uilkema, second by Schmidt, the minutes for the June 11, 2008 meeting
were approved.

7. Appointment of Alternate Executive Officer

The Executive Officer indicated that two upcoming proposals, one on the July agenda and
another on a future agenda, pertain to Green Valley Recreation and Park District. The
Executive Officer explained that because she lives in the area being proposed for annexation,
she is recusing herself from processing these proposals. Mona Palacios, Executive Officer for
Alameda LAFCo, has agreed to serve as Alternate Executive Officer for these two proposals.

Upon motion of Uilkema, second by Allen, the Commission unanimously approved the
appointment of Mona Palacios as Alternate Executive Officer for LAFCO 08-20 (Green Valley
Recreation and Park District Sphere of Influence Amendment) and a subsequent proposal for
annexation to Green Valley Recreation and Park District.

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8. LAFCO 08-22- City of Concord Out of Agency Service Agreement (5107 Laurel Drive)

The Executive Officer reported that the septic tank on this property has failed as documented by the County Environmental Health Services Division. While the property is not contiguous to the City, and cannot easily be annexed, there is a public health concern and out of agency service would remedy the situation. Further, the property owner has signed a pre-annexation agreement in anticipation of any future annexation.

Following discussion regarding ongoing issues related to the City of Concord annexing the Ayers Ranch unincorporated island, upon motion of Uilkema and second by Allen, the Commission unanimously found the City of Concord Out of Agency Service Agreement (5107 Laurel Drive) to be exempt from CEQA, authorized the extension of sewer service outside the District's boundary to the property, and acknowledged that LAFCO staff is working with the City to annex the Ayers Ranch unincorporated island.

9. LAFCO 08-20 - Green Valley Recreation and Park District (GVRPD) Sphere of Influence (SOI) Amendment

Alternate Executive Officer Mona Palacios reported that GVRPD is a small independent special district, comprising approximately 12 acres, that operates a community swimming pool and coordinates a variety of activities commonly provided at community pools. GVRPD has developed a master plan for the park that includes construction of a new swimming pool. In order to increase revenues to carry out this plan, the District seeks to expand its territory to serve a larger area. This necessitates an expansion of its SOI in anticipation of an annexation.

Upon motion of Allen, second by Glover, the Commission unanimously determined that GVRPD prepared and certified the Notice of Exemption; certified that it has reviewed and considered the information contained in this document and finds the proposal categorically exempt from CEQA; and amended the SOI of Green Valley Recreation and Park District to include a total of 12± acres.

10. LAFCO 08-21 - County Service Area (CSA) M-31 Sphere of Influence (SOI) Amendment

The Executive Officer reported that SF BART has applied for this SOI expansion to allow for future annexation and subsequent funding enhancements to support the Transportation Demand Management (TDM) program at the Pleasant Hill BART station, resulting in area-wide vehicular trip reduction measures. CSA M-31 was created to fund various TDM services, including ridesharing, car/van pooling, flex time, telecommuting, etc.

Upon motion of Uilkema, second by Schmidt, the Commission unanimously found that the project is exempt from CEQA pursuant to Government Code §15061(b)(3) and amended the SOI of CSA M-31 to include the total 19.26± acres.

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11. Ambrose Park Annexation to the City of Pittsburg

The Executive Officer reported that the City of Pittsburg filed an application, with the approval of the Ambrose Recreation and Park District (ARPD), to annex Ambrose Park to the City in order to enable the City to develop, in collaboration with ARPD, a master plan for Ambrose Park and to direct park funds for facility improvements.

In response to Commissioners' questions, staff indicated that the City would pay for improvements and ARPD would pay ongoing maintenance costs. Commissioner Tatzin noted that the park is outside the City's urban limit line (ULL), and asked if any determination had been made regarding Measure J. LAFCO Legal Counsel Marchesi responded that if it remains a non-urban use (i.e., open space), it may not trigger any penalty. Pittsburg City Manager Marc Grisham indicated that as a result of the countywide ULL (Measure L adopted in 2006), the City of Pittsburg's ULL (Measure P adopted in 2005) for the most part, corresponds. And it is anticipated that there would be little, if any conflicts relating to the Measure J transportation funding..

The Executive Officer pointed out that the Commission received a number of emails and letters regarding this application, and noted that additional communications were received just prior to the meeting.

Steve Hoagland, a board member of ARPD, spoke in favor of the annexation, stating that the district board had addressed this issue in two separate board meetings that were publicly noticed. He stated that Ambrose Park is in need of ADA upgrades, and needed maintenance has been deferred due to limited funds.

Richard and Ronald Enes, grandsons of the donor of the park property, spoke against the annexation, pointing out that the park property, the oldest in the country (est. 1946), was dedicated to use for the residents surrounding the property, and that it was not to be turned over to the City.

Connie Tolleson, a resident of Bay Point opposed to the annexation, stated that the residents in the ARPD should have been able to vote on this action, and the District board meetings should have been noticed in the Bay Point Times.

John Wolson, of ACORN (Association of Community Organizations for Reform Now), agreed with Connie Tolleson in opposing the annexation.

Michael Sarabia supported the annexation and presented a letter to that effect.

Gloria Magleby, a 65-year resident of the area and an ARPD Board member, urged approval of the annexation.

Vivian Lisa, a 62-year resident of the area, spoke in opposition.

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Megan Welty, a 30-year resident, spoke in opposition, stating that she did not know about the proposed annexation either through the District or the City.

Lloyd Mason asked LAFCO to choose Option 3 (continue the matter to obtain additional information).

Debra Mason, a lifetime resident of Bay Point, stated that she has 100 signatures of people opposed to this annexation, and that Bay Point residents are concerned about changes made by Pittsburg in which they have no voice; they are trying to preserve their history.

Mae Cendaña, current Chair of the ARPD Board, supports the annexation with an amendment to the proposed resolution to confirm the City of Pittsburg's commitment to prepare a park master plan and dedicate City funds to park improvements.

Chair Schroder asked Cendaña to address concerns expressed regarding lack of public notice on this issue. Ms. Cendaña indicated that she believes the District was in compliance with the Brown Act.

Jamie Plotnick, of the Bay Point All-Star Cheerleaders, accompanied by members of the squad, urged LAFCO to return this issue to the District to be put to a vote.

Chair Schroder asked Legal Counsel who would own Ambrose Park's assets if this annexation is approved; Legal Counsel confirmed that the District will still own the assets and any improvements made.

Marcia Ravizza-Lessley holds an annual Port Chicago reunion at Ambrose Park, and is opposed to the annexation.

Michael E. Kerr reiterated that he had seen no public notice of discussions regarding this annexation, and opposed the action.

A.J. Fardella, from the Oak Hills Community Group, supported the annexation, stating that legal notices were properly distributed.

Marc Grisham, Pittsburg City Manager, indicated that the City has no objection to the suggested amendment to the LAFCO resolution. He confirmed that the City will provide funding for the Master Plan. The purpose of this annexation is to bring the park into the city limits so that it will be easier to spend city funds on the improvements.

At the close of the public hearing, and in response to a question from Commissioner Glover regarding potential benefits to the District, Tarry Smith, General Manager of the ARPD, reminded LAFCO that ARPD has the third highest ERAF takeaway in the State of California, and that the District is seriously underfunded with no anticipated increase in future funding.

Further discussion followed among Commissioners. Upon motion of Glover, second by Uilkema, the Commission certified that it reviewed and considered the information

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contained in the Negative Declaration and CEQA documentation; approved the proposal to be known as the Ambrose Park Annexation to the City of Pittsburg 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 as outlined in Option 1.

12. Workshop - Preliminary Draft Municipal Services Review, Green Valley Recreation and Park District

The Executive Officer provided an overview of the MSR process and purpose of the workshop. This MSR, for Green Valley Recreation and Park District (GVRPD), will serve as a baseline review for the District, as one was not included in the 2004 recreation and park district MSRs.

A brief overview highlighted the history of GVRPD, including its service boundary of 400± parcels in a built-out area of the Town of Danville known as Cameo Acres, with a current membership of 120 families. The District operates a pool and provides related aquatic activities, with revenues provided about equally by property taxes and user membership fees. The pool is outdated and small and, according to the District, in need of replacement. There is a five-member elected board of directors; and the MSR notes the website and governance practices need improvement.

Commissioners provided comments relating to benefit assessment districts, comparable swimming facilities in the area and private funding through homeowners associations.

Following brief discussion, upon motion of Uilkema, second by Allen, the Commission unanimously directed staff to incorporate the suggested changes and make available the Public Review Draft MSR report.

13. Service and Fee Agreements – Initial Study – Spheres of Influence (SOI) – Contra Costa Water District (CCWD) and Delta Diablo Sanitation District (DDSD)

The Executive Officer provided a brief chronology and background regarding the proposed expansions of the Spheres of Influence (SOIs) for CCWD and DDSD. In response to the Commission's direction given at the June 11, 2008 meeting, LAFCO staff has discussed the proposed scope of work (environmental review) and funding arrangements with the affected parties. The City of Pittsburg will serve as the fiscal agent for the purposes of the fee agreement and will coordinate payments from DDSD and Discovery Builders, Inc.

LAFCO staff has drafted an agreement with PMC, an environmental consulting firm currently on LAFCO's list of qualified planning firms, to prepare the Initial Study related to these proposed SOI expansions.

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Christina Wong, representing Greenbelt Alliance, spoke in opposition to the Initial Study, stressing that it is premature to assess the extension of utility service in some of these areas outside City SOIs (i.e., Pittsburg hills) before there are development plans.

Michael E. Kerr stated that as an active member of Save Our Hills for the past two years, he is aware of an overwhelming number of residents who are opposed to development in the Pittsburg hills.

A.J. Fardella, representing Oak Hills Community Group, commented on the voter approved urban limit line, that any proposed development would be subject to further review, and expressed support for the Initial Study.

Marc Grisham, Pittsburg City Manager, confirmed his city's full support of the LAFCO staff recommendation, and reiterated that the City of Pittsburg will be serving as the fiscal agent.

LAFCO staff pointed out that once the consultant provides a cost breakdown, the fee agreement with the City of Pittsburg will be transacted simultaneously with the service agreement with the consultant.

Commissioner Uilkema raised concerns regarding the cities' lack of land use authority in some of these areas (i.e., outside city SOIs) and that there are, in essence, no known "projects" at this time, stating that to establish SOIs for the utility districts in advance of such plans is the reverse of the order in which such actions should be taken. Further discussion followed, with Commissioners Allen and Glover indicating that the ULLs were voter approved and acknowledging that this is "new territory" for the Commission.

Upon motion of Allen, second by Glover, the Commission, by roll call vote, directed staff to enter into the service agreement with PMC for the Initial Study; and to enter into the fee agreement with the City of Pittsburg for costs associated with preparing the Initial Study. The vote passed as follows:

AYES: Allen, Glover, McNair, Schmidt, Schroder
NAYS: Uilkema

14. LAFCO Meeting Schedule for September through December 2008

The Executive Officer provided a proposed revised schedule for regular and special LAFCO meetings for September through December 2008, due primarily to the proposed Alamo incorporation.

Upon motion of McNair, second by Allen, the Commission unanimously approved the schedule modifications as follows:

- Wednesday, September 10, 2008 (Regular LAFCO meeting) – **cancel**
- Thursday, September 18, 2008 (Special LAFCO meeting to be held at the Creekside Community Church in Alamo at 4:30 pm) – **add**

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- Tuesday, October 21, 2008 (Special LAFCO meeting - regular meeting location and time) -
add

15. Concord Naval Weapons Station Neighborhood Alliance - Presentation

Kathy Gleason, founding member of the Concord Naval Weapons Station Neighborhood Alliance (CNWSNA), presented her organization's goals regarding preservation of the Los Medanos hills and ridgeline. Ms. Gleason indicated that CNWSNA, representing over 1,700 households, is one of the growing Coalition for a Sustainable Concord, collectively comprising thousands of local community members, the majority of whom believe that whatever happens on the Los Medanos hills and ridgeline will affect them and everyone in the region. In relation to the CNWSNA goals, she added that the ULLs were approved by the voters, but without any CEQA studies to support the lines. Further, that the proposed CCWD and DDSO SOI expansions do not serve the spirit of the law that governs LAFCO; agricultural land and open spaces would be invaded unnecessarily.

As a representative of thousands of residents in the area affected by decisions regarding the Los Medanos hills, Ms. Gleason urged the Commission to make their upcoming decisions in the best interest of the residents countywide, and consider what will work best to preserve the open space and natural resources of the Los Medanos hills and ridgeline for future as well as current generations.

16. Commissioner Comments and Announcements

There were no Commissioner announcements.

17. Staff Announcements and Pending Projects

The Executive Officer drew Commissioners' attention to the pending projects list and a comprehensive legislative update that were included in the agenda packet.

Meeting adjourned at 4:19 p.m.

Final Minutes Approved by the Commission on August 13, 2008.

AYES:

NOES:

ABSTAIN:

By _____
Executive Officer

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