

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

August 14, 2008

Board of Supervisors Chambers
Martinez CA

1. Chair Rob Schroder called the meeting to order at 1:41 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 Member Gayle Uilkema and Alternate Mary N. Piepho
Public Member Martin McNair
Special District Members Dwight Meadows and David A. Piepho and Alternate George Schmidt

Present were Executive Officer Lou Ann Texeira, Legal Counsel Silvano Marchesi, Commission Clerk Kate Sibley, Planner Nat Taylor, and Consultants Wayne Fowler (Dudek) and Bruce Baracco (Graichen Consulting)

Chair Schroder welcomed Mary N. Piepho back to the Alternate County seat.

Alternate County Member Mary Piepho sat in place of County Member Federal Glover, and Alternate Special District Member George Schmidt sat in place of Special District Member David Piepho, who sat in the Alternate's seat.

4. Approval of the Agenda

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

5. Public Comments

There were no public comments.

6. Approval of July 9, 2008 Minutes

Commissioner Piepho pointed out an error on page 3, and suggested that "country" be changed to "county."

Upon motion of Uilkema, second by Allen, the minutes for the July 9, 2008 meeting were approved with the correction. Commissioners Meadows and M. Piepho abstained.

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7. LAFCO 08-19 – SF BART Annexation to County Service Area (CSA) M-31

Upon motion of Uilkema, second by Allen, 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 SF BART Annexation to CSA M-31 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.

8. LAFCO 06-21 – Diablo Community Service District Request to Activate Latent Power to Finance the Operations of a Municipal Advisory Council

The Executive Officer reported that in December 2006 the County Board of Supervisors amended the method of selection, powers and authority of Municipal Advisory Councils (MACs). Consequently, Diablo Community Service District applied to activate a latent power to finance the operations of the Diablo MAC and perform the MAC functions, in effect merging the two organizations.

Commissioner Mary Piepho commented on the Board of Supervisors' restructuring efforts to standardize and find a consistent source of funding for MACs. Commissioner David Piepho spoke about the benefits of a combined CSD and MAC, as is the case with the Town of Discovery Bay CSD. Upon motion of Allen, second by Meadows, the Commission unanimously found that the project is exempt from CEQA pursuant to Government Code §15320; approved the activation of latent powers to authorize the Diablo Community Service District to finance the operations of a municipal advisory council as submitted, with specified conditions; and directed staff to complete the proceeding.

9. LAFCO 08-18 – Delta Diablo Sanitation District (DDSD) Sphere of Influence (SOI) Amendment (Northeast Antioch)

The Executive Officer reported that the City of Antioch filed an application to amend DDSD's SOI boundary to include 481± acres including various usages (industrial and manufacturing, protected habitat areas, and undeveloped land) in anticipation of an annexation. Staff provided an overview of the present and proposed land uses and public service needs and facilities. Staff recommended including two additional areas, totaling 197 acres, in order to avoid creating islands and irregular boundaries and to address deficient septic and water systems in these areas.

Brief discussion ensued regarding the environmental documentation prepared for the City of Antioch. Upon motion of Uilkema and second by M. Piepho, the Commission determined that the City of Antioch prepared and certified the Negative Declaration for the Northeast Antioch Reorganization and SOI amendment; certified that it reviewed and considered the information contained in the Negative Declaration and CEQA documentation; approved the proposal to be known as the Delta Diablo Sanitation District Sphere of Influence

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Amendment (Northeast Antioch) as submitted, with specified conditions; and amended the Sphere of Influence of the Delta Diablo Sanitation District to include a total of 678± acres, as recommended by LAFCO staff.

10. Water/Wastewater Municipal Service Reviews (MSRs) West County

The Executive Officer provided a brief overview and chronology of the West County Water/Wastewater Municipal Service Review process, and introduced Wayne Fowler from Dudek. Mr. Fowler gave a PowerPoint presentation on water and wastewater services in West County, covering the cities of Hercules, Pinole and Richmond; Crockett Community Services District (CCSD); Rodeo Sanitary District (RSD); Stege Sanitary District (SSD); and West County Wastewater District (WCWD); and provided a brief overview of changes and final recommendations for the Commission's consideration.

Of primary concern are the number of out of agency service areas in each district and the need to encourage the districts to annex these areas.

Commissioner Uilkema pointed out that the Port Costa portion of Crockett Community Services District is seeing a huge increase in its service rates. Commissioner Schroder questioned why Mr. Fowler was not recommending that SSD annex its out of agency service areas. Mr. Fowler explained that this may not be feasible, due to the instability of the terrain in this area.

Upon motion of Uilkema, second by Allen, the Commission determined that the MSR project is Categorically Exempt pursuant to CEQA Guidelines §15306, Class 6; considered comments presented prior to and during the public hearing; accepted the report and Addendum; adopted the MSR determinations, and directed staff to prepare the Final MSR report and make it available publicly.

11. Water/Wastewater Sphere of Influence (SOI) Updates West County

The Executive Officer provided a brief overview and chronology of the West County Water/Wastewater Municipal Service Review process, and gave a brief introduction to the SOI report, options and recommendations for the three districts covered in this MSR as detailed in the staff report. Generally, the recommendation is to retain existing SOIs for all three districts (RSD, SSD, WCWD), with the added recommendation that these districts be encouraged to amend their SOIs where necessary in order to annex those areas currently receiving out of agency service.

Commissioners discussed the feasibility of consolidating districts and LAFCO's role and responsibility in recommending or taking such actions. Staff explained that while this is addressed in MSRs, there would need to be additional fiscal and infrastructure studies. Some of the West County districts are already studying the possibility of further collaboration and consolidation of services.

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E.J. Shalaby, of West County Wastewater District, responded to questions about his district's programs and capacity, as well as what he knows of Richmond's services. He also stated that the region's water and wastewater agencies meet twice yearly and talk regularly; he agreed to bring the topic of further consolidation forward to this group.

Commissioner Meadows suggested that LAFCO staff send letters to the three agencies being discussed (RSD, SSD, WCWD), asking them to actively study the feasibility of consolidation.

Upon motion of Uilkema, second by Schmidt, the Commission determined that the SOI updates are Categorically Exempt pursuant to CEQA Guidelines §15061(b)(3); and voted to retain the existing SOIs of Rodeo Sanitary District (RSD), Stege Sanitary District (SSD) and West County Wastewater District (WCWD) and encourage each district to consider applying to LAFCO to expand their respective SOIs in order to annex areas currently receiving out of agency service.

12. Green Valley Recreation & Park District (GVRPD) MSR

The Executive Officer provided a brief overview and chronology of the Municipal Service Review process for the Green Valley Recreation & Park District. Currently there are 400 parcels served by this District, with 120 paid memberships.

Commissioners discussed at length the future of this district, the logic/feasibility of its remaining a government agency, and whether it should be required to provide progress reports to LAFCO.

Upon motion of Uilkema, second by Allen, the Commission determined that the MSR project is Categorically Exempt pursuant to CEQA Guidelines §15306, Class 6; considered comments presented prior to and during the public hearing; accepted the report and Addendum; adopted the MSR determinations, and directed staff to prepare the Final MSR report and make it available publicly.

13. Green Valley Recreation & Park District (GVRPD) SOI Update

The Executive Officer provided a brief overview and chronology of the Municipal Service Review process, and gave a brief introduction to the SOI report, options and recommendation for the GVRPD as detailed in the staff report.

Commissioners expressed concern over this District's operations and discussed governance structure and SOI options. The Commission requested that GVRPD staff (or representatives) be invited to a future LAFCO meeting and speak to the Commission regarding the future of the District.

Upon motion of McNair, second by Allen, the Commission unanimously voted to continue the matter to a future meeting.

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14. Workshop - Preliminary Draft, East County Sub-Regional Municipal Services Review (MSR)/Sphere of Influence (SOI) Updates

The Executive Officer provided a brief overview and chronology of the East County Sub-Regional Municipal Service Review process, and introduced Bruce Baracco from Graichen Consulting. Mr. Baracco gave a PowerPoint presentation on municipal and community services in East County, covering the cities of Antioch, Brentwood, Oakley and Pittsburg; County Service Area (CSA) RD-4; Bethel Island Municipal Improvement District (BIMID); and the Town of Knightsen Community Services District (KCSD). A copy of the PowerPoint presentation is available in the LAFCO office.

The consultant's overview covered the State requirements relating to SOI and MSR determinations, focusing on growth projections, existing services and future demand for services, various government structure options and proposed SOI updates. Of special note in this region are issues regarding growth: infrastructure needs, a need for commercial growth (jobs), and infill opportunities.

The consultant's preliminary recommendations for the cities' SOIs are to retain existing SOIs except in the case of Antioch. SOI recommendations for the special districts is to retain them for all three districts, and require annual reports from KCSD.

Commissioner Allen asked why the City of Antioch's SOI is recommended for adjustment and not the City of Pittsburg's. The consultant explained that Pittsburg has adequate land within its current SOI and boundaries to develop, and it has not yet resolved its hillside ordinance. Commissioner Allen recommended that the consultant recommend the same treatment for the City of Pittsburg as for the City of Antioch.

Commissioner Tatzin commented on LAFCO policies relating to SOIs and ULLs and the various factors LAFCO must consider when amending SOIs.

David Fischer, representing BIMID, responded to questions and provided comment regarding the wells within that district's boundaries, which are owned by a mutual water company. He added that BIMID board and staff are working on suggested revisions to the Public Review Draft of this MSR.

Commissioner Meadows pointed out that the KCSD report is a bit thin, and that he would like to see more substance to the report when it returns to the Commission.

Linda Weekes, representing KCSD, responded that the district has its board in place and is in constant communication with County Flood Control. They are trying to finance pieces of Phase II and are currently talking with East Contra Costa Irrigation District.

Kristin Vahl, representing the City of Pittsburg, stated that the City supports expanding its SOI to correspond to the Urban Limit Line (ULL). Commissioner Uilkema suggested that the City should apply for an SOI expansion on its own. Extensive discussion ensued regarding the issue of expanding the City of Pittsburg's SOI to match the ULL. Currently a CEQA

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Initial Study is being prepared in conjunction with the proposed expansion of the Contra Costa Water District and Delta Diablo Sanitation District SOIs.

Chair Schroder pointed out that this workshop is just a first step.

Louis Parsons, representing Discovery Builders, urged that the City of Pittsburg, CCWD and DDSO SOIs all be made coterminous with the ULL. He also commented on the proposed hillside ordinance, which is reportedly meant only to provide guidelines for development.

Commissioner Uilkema pointed out that the expectation of the Commission at this time is to review the preliminary draft of this MSR, provide feedback, and release it for public review.

Upon motion of Uilkema, second by McNair, the Commission unanimously directed the project team to update the draft MSR as appropriate, and directed staff to make available the Public Review Draft MSR report on the LAFCO website.

15. Request to Amend LAFCO Resolution No. 07-21 Making Determinations and Approving the Ambrose Park Annexation to the City of Pittsburg

The Executive Officer presented a proposed amendment to LAFCO Resolution 07-21, submitted by Mae Cendaña, Chair of Ambrose Recreation & Park District, following the July meeting.

Upon motion of Uilkema, second by M. Piepho, the Commission unanimously approved an amendment to LAFCO Resolution 07-21 specifying that the City of Pittsburg will fund the creation of a Master Plan and identify funding from City park dedication fees and other sources to help implement improvements to Ambrose Park.

16. Contract Amendment No. 3 with Dudek

Following staff's overview, upon motion of Uilkema, second by McNair, the Commission unanimously approved Amendment No. 3 to the existing Dudek contract to extend the term from August 31, 2008 to December 31, 2008.

17. Professional Service Contract(s) – Municipal Service Reviews/Sphere of Influence Updates – Fire and Reclamation Services

Following staff's overview, upon motion of Uilkema, second by McNair, the Commission unanimously authorized staff to execute a service agreement with Burr Consulting to prepare the countywide Fire/Emergency Medical and Reclamation Services Municipal Service Reviews (MSR)/Sphere of Influence (SOI) Updates.

18. Alamo Incorporation Update

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The Executive Officer provided an update regarding the proposed incorporation of the Town of Alamo, indicating the status of the fiscal and environmental studies and the success of the August 7 community meeting. The various studies and PowerPoint presentations are available on the LAFCO website.

Staff indicated that there is an aggressive timeline for this incorporation application. The Commission will be asked to take action in September if the proposed city is to meet the timeline to incorporate by June 30, 2009 and take advantage of the VLF fees.

Commissioners Schmidt and Tatzin, who attended the August 7 Alamo community meeting, shared comments and observations.

Others commented on boundary issues.

19. Commissioner Comments and Announcements

Commissioner David Piepho requested that LAFCO research the possibility of televising Commission meetings on CCTV. Commissioner Allen agreed with the idea, but suggested that CCTV upgrade to better equipment before doing this.

Commissioner Mary Piepho stated that it was good to be back with LAFCO.

20. Staff Announcements and Pending Projects

The Executive Officer reminded Commissioners of the upcoming CALAFCO Annual Conference and announced that CALAFCO is looking for another County member to run (by nomination from the floor) for an open seat on the CALAFCO Board.

Meeting adjourned at 4:46 p.m.

Final Minutes Approved by the Commission on September 18, 2008.

AYES:

NOES:

ABSTAIN:

By _____
Executive Officer

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