

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

October 8, 2008

Board of Supervisors Chambers  
Martinez CA

1. Vice Chair Gayle B. Uilkema 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 Member Helen Allen (late arrival) and Alternate Don Tatzin  
County Members Gayle Uilkema and Federal Glover (late arrival) 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, LAFCO Planner Nat Taylor, and Consultant Bruce Baracco (Graichen and Associates)

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

4. Approval of the Agenda

Upon motion of Tatzin, second by Meadows, the agenda was unanimously adopted.

5. Public Comments

There were no public comments.

6. Approval of September 18, 2008 Minutes

Upon motion of M. Piepho, second by Schmidt, the minutes for the September 18, 2008 meeting were approved. Member Meadows and Tatzin abstained.

7. Special Presentation - Linda Fiack, Delta Protection Commission

The LAFCO Executive Officer introduced Linda Fiack, Executive Director of the Delta Protection Commission, who gave a presentation on the objectives and work of the 23-member commission, which is charged with supporting the protection of the Delta through land use and resource management, promoting Delta-wide collaboration and stewardship,

serving as an avenue for communication among the counties and other agencies in the Legal Delta Primary and Secondary Zones, and implementing projects and partnerships to protect the Delta. A copy of Ms. Fiack's presentation is available in the LAFCO office. Following Ms. Fiack's presentation, Commissioners provided comments and insights.

Following this presentation and upon the arrival of Member Glover, Alternates M. Piepho and Schmidt returned to their Alternate seats and Member D. Piepho returned to the dais.

8. LAFCO 07-08- City of Concord Out of Agency Service Agreement (Lenox Homes/Laurel Place)

The Executive Officer provided an overview of the proposal and statutory requirements. Staff reported that this project does not meet the requirements of the law governing out of agency service, as it does not present an existing or impending threat to the health and safety of the public, nor is it in anticipation of a future annexation as indicated by the City.

Staff explained that the Lenox Homes property is not contiguous to the City boundary; necessitating annexation of an intervening property should annexation be pursued. Additionally, annexation would require an addendum to the current CEQA document to correct technical deficiencies.

Kristine Blair, homeowner in the Ayers Ranch area, spoke in favor of annexation of the entire area to include properties adjacent to the Lenox Homes property, indicating that many interested homeowners in the immediate vicinity have signed or are willing to sign pre-annexation agreements.

Curt Blomstrand, representing Lenox Homes, stated that he has been working on this project for years, and is willing to annex the property as a condition of the out of agency service agreement. He is working with Kevin Hunter, whose property is between the Lenox Homes property and the City of Concord boundary, to annex his property at the same time to ensure a contiguous boundary.

Dan Freeman, also of Lenox Homes, thanked LAFCO staff for working with them to find a suitable solution.

Paul Lopez, whose property also abuts the Lenox Homes property, supports the idea of annexation and has been involved in discussions regarding this for a long time.

The Executive Officer, in response to Commissioner comments and questions, stated that LAFCO cannot initiate an annexation; that the island annexation legislation can only address islands under 150 acres that were in existence prior to 2001. Staff has offered to facilitate a meeting among City of Concord, County, Lenox Homes, neighbors and LAFCO representatives.

Following further discussion among Commissioners, upon motion of Tatzin, second by D. Piepho, the Commissioners unanimously deferred the matter 30-60 days, and directed the Executive Officer to facilitate meetings with the various parties.

9. East County Sub-Regional Municipal Service Review (MSR)

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 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 Knightsen Community Services District (KCSA); and provided a brief overview of changes and final recommendations for the Commission's consideration.

Staff commented that water and wastewater, fire protection, reclamation and healthcare services were not covered in this report, as they have been or will be addressed in separate MSRs. Similarly, county service areas were initially reviewed in 2004 and will be revisited in 2009.

Marc Grisham, City Manager of Pittsburg, listed certain statements that he felt were incorrect in that city's MSR section, including police department information, information about land use and development issues, park development, and growth patterns in Pittsburg that are different from those of the other cities in East County.

David Fischer, attorney for Bethel Island Municipal Improvement District (BIMID), thanked LAFCO staff for changes made to the report, and introduced Marguerite Lawry, President of the BIMID board, who also indicated her satisfaction with the report.

Linda Weekes, board member for Knightsen Town Community Services District, thanked LAFCO staff for the report, and added further information on the District's feasibility study, efforts to find funding, and its partnership with the East County Integrated Regional Water Management Plan. In response to a question, Weekes confirmed that the official name of the district is Knightsen *Town* Community Services District.

Baracco, in response to comments about the MSR, agreed to provide some clarification in the report.

Upon motion of Allen, second by McNair, the Commission unanimously determined that the MSR is categorically exempt pursuant to CEQA Guidelines §15306, Class 6; considered comments and revisions to the East County Sub-regional MSR report; and directed LAFCO staff to make necessary changes and bring the report back to the December 10 LAFCO meeting.

10. East County Sub-Regional Sphere of Influence (SOI) Updates

The Executive Officer stated that as the Commission took no action to accept the East County Sub-Regional MSR, there could be no action on the East County Sub-Regional SOI updates.

Vice Chair Uilkema asked speakers for this item (Wilson Wendt, attorney for Discovery Builders, Inc.; Janet Northam; Troy Bristol, representing Save Mount Diablo; Kathy Gleason, representing Concord Naval Weapons Station Neighborhood Alliance) if they wished to speak at this meeting or defer to the December meeting when this item will be placed on the agenda. All speakers who completed forms deferred their comments.

Marc Grisham, City Manager of Pittsburg, asked if the City of Pittsburg's SOI update would be approached in the same way as the SOI updates for Contra Costa Water District and Delta Diablo Sanitation District. Tatzin asked when the CEQA Initial Study for these two districts would be due. The Executive Officer responded that the deposit was received on September 25, and that the consultant is expected to have a draft study by the end of November.

Upon motion of D. Piepho, second by Tatzin, the Commissioners unanimously postponed review, discussion and action on this item to the December 10 LAFCO meeting.

11. Commissioner Comments and Announcements

Commissioner Meadows pointed out the copies of *110°*, an East County magazine that featured Alternate Public Member Bill Bristow in a September/October cover article.

12. 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, and reported that SB301 (eliminating the sunset provision of the Vehicle License Fee Law) and SB375 (requiring environmental review for certain transportation planning activities) were signed by the Governor.

Meeting adjourned at 4:40 p.m.

Final Minutes Approved by the Commission on November 12, 2008.

AYES:

NOES:

ABSTAIN:

By \_\_\_\_\_  
Executive Officer