

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

June 10, 2009

Board of Supervisors Chambers
Martinez, CA

1. Chair Gayle 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 Members Helen Allen and Rob Schroder and Alternate Don Tatzin.

County Member Gayle Uilkema and Alternate Mary Piepho.

Public Member Martin McNair.

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

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

4. Approval of the Agenda

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

5. Public Comments

There were no public comments.

6. Approval of May 8 (Fire MSR Committee), May 13 (Commission) and May 20 (Fire MSR Committee), 2009 Minutes

The Executive Officer noted a correction to the May 13 minutes: Sharon Anderson was in attendance as Legal Counsel rather than Silvano Marchesi.

Upon motion of Allen, second by Schroder, the minutes for the May 8, May 13, and May 20, 2009 meetings were approved with the modification of the May 13 minutes as noted.

7. Information Presentation: City of Martinez Proposed Annexations of Alhambra Valley and North Pacheco

Karen Majors, Community Development Director, and Phil Vince, City Manager of Martinez, made a presentation regarding the City's proposed Alhambra Valley and North Pacheco annexations. City staff provided general background information relating to the fiscal and environmental analyses, current and proposed municipal services, pre-zoning and related factors.

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Public speakers on this item included Michael Alford, resident of Martinez, who spoke against the proposed annexations and the fiscal burden they would add for the city; Hal Olson, resident of Alhambra Valley and president of the Alhambra Valley Improvement Association, spoke against annexation of Alhambra Valley; Tim Platt, resident of Martinez, who disputed the fiscal numbers provided in the presentation and spoke against annexation of the North Pacheco area; and Kathi McLaughlin, who opposed the North Pacheco proposed annexation.

City staff provided clarification regarding the differences in the numbers.

Upon McLaughlin's request to have the City's presentation posted on the LAFCO website, staff confirmed that it will be posted there.

Following discussion, Commissioner Uilkema reminded those present that they will have a right to protest at the appropriate time, and asked Legal Counsel Marchesi about the deferred annexation agreements that include an agreement to not protest; does this extend to a vote? Marchesi stated that while these people agreed to waive their rights to protest the annexation, LAFCO cannot enforce the vote. This interpretation is subject to the City Attorney who may have a different opinion.

8. LAFCO 09-06 – Gonsalves Annexation to County Service Area (CSA) L-100

Upon motion of McNair, second by D. Piepho, the Commission found that the project is exempt from CEQA pursuant to Section 15061(b)(3); approved the proposal to be known as the Gonsalves 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 the conducting authority proceedings and directed staff to complete the proceeding.

9. Participation in Special District Risk Management Authority (SDRMA) Workers' Compensation, Property and Liability Programs

The Executive Officer provided a brief history of the reason for and process leading to the purchase of Workers' Compensation and Property and Liability insurance through the Special District Risk Management Authority, and introduced materials pertinent to participation in this program, which will begin on July 1, 2009.

Upon motion of Allen, second by D. Piepho, the Commission unanimously authorized the Chair and Executive Officer to sign and process documents necessary to secure Workers' Compensation, Property and Liability insurance through Special District Risk Management Authority (SDRMA); adopted Resolution 2009-1 approving the Form of and Authorizing the Execution of a Sixth Amended Joint Powers Agreement and Authorizing Participation in the SDRMA Property/Liability and Workers' Compensation Programs; and adopted Resolution 2009-2 authorizing Application to the Director of Industrial Relations, State of California for a Certificate of Consent to Self-Insure Workers' Compensation Liabilities.

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10. Contract Amendment with Dudek

Following staff's overview and some discussion, upon motion of McNair, second by D. Piepho, the Commission approved Amendment No. 5 to the existing Dudek contract to extend the term from June 30, 2009 to December 31, 2009 to allow additional time to complete the Central and West County Sub-regional MSR/SOI updates. Commissioner Allen opposed.

11. Contract Amendment with Burr Consulting

Following staff's overview and some discussion, upon motion of McNair, second by D. Piepho, the Commission approved Amendment No. 2 to the existing Burr Consulting contract to extend the term from June 30, 2009 to December 31, 2009 to allow additional time to complete the Fire and Emergency Medical Services and Reclamation Services MSR/SOI updates. Commissioner Allen opposed.

12. Contract Renewal with Lamphier-Gregory

Following staff's overview and some discussion, upon motion of Uilkema, second by Schroder, the Commission unanimously approved an amendment to the existing Lamphier-Gregory contract to extend the term from June 30, 2009 to June 30, 2010 and to increase the not to exceed amount from \$110,000 to \$170,000.

13. Amendments to Contract with PMC and Fee Agreement with City of Pittsburg

Staff presented a brief project overview and update. Commissioner Allen expressed concerns regarding scope of work, timeframe and potential cost. Staff responded to these concerns. Commissioner Allen moved, with a second by D. Piepho, that the contract and fee agreement be amended for 30 days in order to complete this Initial Study.

Louis Parsons, representing Discovery Builders, agreed that his company would like to see it completed, and that 60 days seemed reasonable for this.

Following further discussion, Allen and D. Piepho amended the initial motion to 60 days. The Commission unanimously authorized LAFCO staff to execute contract amendments with PMC and the City of Pittsburg to extend the terms of the agreements from June 30, 2009 to August 30, 2009 in order to complete work on the environmental review associated with the proposed sphere of influence (SOI) expansions for the City of Pittsburg, Contra Costa Water District (CCWD) and Delta Diablo Sanitation District (DDSD).

14. Special LAFCO Meeting/Boat Tour of Delta

LAFCO Legal Counsel presented logistical issues relating to holding a LAFCO meeting on a boat, including public access and ADA compliance. Despite these challenges, the special meeting/boat tour of the Delta levees can be held with appropriate notice and information. The Executive Officer indicated that the Final Draft Reclamation Services MSR will be presented to the Commission on July 8.

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Upon motion of D. Piepho, second by Allen, the Commission unanimously authorized staff to arrange and notice a special meeting on June 26 and, if that date does not work, postpone the July 8 schedule for the MSR and reschedule the special meeting for July.

15. Commissioner Comments and Announcements

Commissioner Allen and Committee Chair reported that there have now been three meetings of the Fire Committee. They have thus far covered two sub-regions and four districts, and are hoping to come back with recommendations for LAFCO approval soon. Commissioners Tatzin and Uilkema added further comments regarding countywide decisions and recommendations that will be brought back to LAFCO.

Commissioner David Piepho reported on the recent CALAFCO U workshop on Fire District Consolidation. Contra Costa County had the largest contingency in attendance. Other Commissioners attending that workshop were Mary Piepho, Schroder, and Tatzin, along with the Executive Officer.

16. Staff Announcements and Pending Projects

The Executive Officer drew Commissioners' attention to the pending projects and legislative update, provided in the agenda packet.

The meeting adjourned at 3:00 p.m. for a Closed Session, then returned and adjourned at 3:11 p.m. There was nothing to report in conjunction with the Closed Session.

Final Minutes Approved by the Commission on July 8, 2009.

AYES:

NOES:

ABSTAIN:

By /s/ Lou Ann Teixeira
Executive Officer

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