

# ALAMEDA COUNTY BOARD OF SUPERVISORS' TRANSPORTATION/ PLANNING COMMITTEE

Wednesday, February 18, 2015  
6:00 p.m.

Supervisor Scott Haggerty, Chair  
Supervisor Nate Miley

Location: Board of Supervisors Chambers – Room 512 5<sup>th</sup> floor  
County Administration Building  
1221 Oak Street, Oakland, CA 94612

## Summary/Action Minutes

### I. Transfer Title of Fairview Fire Station to Fairview Fire Protection District

Albert Lopez, Director, Planning Department, presented a memorandum regarding discussions for the transfer of title of Fire Station #8, to the Fairview Fire Protection District (FFPD).

In 1997 the location of Station #8 was approved by the County through a rezoning action. The approval included that the County would hold title to Station #8 and the station would be leased to the FFPD for \$1 a year. The approval of Station #8 to FFPD included several conditions (Provisions of Reclassification), including that the title be transferred to FFPD once a new Emergency Vehicle Access (EVA) was installed and a satellite fire station was provided during high fire season.

Currently the Fairview Fire Protection District contracts with the City of Hayward for all of its fire protection services, including Station #8. In April of last year, Catherine Ortiz-Carden, President, Fairview Fire Protection Board, submitted a letter to the Alameda County Board of Supervisors requesting that the Board consider the transfer of title. The FFPD stated that the EVA access and the satellite fire station are no longer necessary due to other means; the intent of the conditions has been met. This issue was last raised in 2004 however the request for transfer of title of Station #8 was withdrawn.

County staff believes that since the Provisions of Reclassification have not strictly been met, the County is not obligated to transfer title and the County could continue to hold title to Station #8 until the EVA/satellite station requirements are met. In addition, the Local Agency Formation Commission (LAFCo) has required the FFPD submit a Strategic Plan; staff believes it would be prudent to wait until the FFPD strategic plan is approved before giving title to Station #8.

### Speakers

Cheryl Miraglia stated that the County should retain the deed to the Station #8; opposes transferring title to FFPD.

Mike Preston, Fairview Fire Protection District, has been working diligently to address issues raised by LAFCo; supports transferring title of the fire station to the FFPD.

Dennis Gould stated that he was on the Fairview Fire Protection District Board for many years; supports transferring title to FFPD.

Dale Silva, President, Hayward Hills Homeowners Association, supports the transfer of title of the fire station to FFPD.

James Jardine supports the transfer of title of the fire station to the FFPD.

J.V. McCarthy supports transfer of the title of the fire station to FFPD.

**Purpose:**

- Report progress
- Advocacy or Education
- Request recommendation from the Transportation and Planning Committee**
- Other:

**Recommendation from the Transportation and Planning Committee:** Transportation Planning Committee recommends transferring title of Station #8 on the condition that LAFCo approves the Fairview Fire Protection District Strategic Plan; the Fairview Fire Protection District provide adequate emergency fire protection services to the Five Canyons area; condition of deed restriction against indebtedness; move this item to the Alameda County Planning Commission for discussion and approval.

**II. Recommend Acceptance of Improvements Associated with Tract 6102, located at the end of Jelincic Drive in the Fairview District of unincorporated Alameda County**

Bill Lepere, Deputy Director, Public Works Agency presented a memorandum requesting the Committee to accept the improvements associated with Tract 6102 on Jelincic Drive in the Fairview District of unincorporated Alameda County.

The Public Works Agency requests the following actions:

- 1) Adopt and approve the resolution to accept the improvements to be originally installed by Atwal Real Estate Investments under contract and completed by their bonding agent, Financial Pacific in Tract 6102 at the end of Jelincic Drive.
- 2) Reduce the Performance Guarantee from \$1.5 million to \$392,500.00

Manfred Koethe, Fairview Heights Homeowners Association, presented a PowerPoint presentation regarding problems with Tract 6102 that need to be addressed and corrected.

The presentation outlined problems with the original planning, construction, grading problems, maintenance issues, street deterioration, and dangerous retaining walls which some have fallen down.

Mr. Koethe requested the County retain all the bond money; retain an external independent consultant to work with the property owners and the homeowners association; fix Tract 6102 based on the consultants recommendations.

**Speakers**

James Jardine, performance bond is related to a set of plans approved by the County; parking wall structures and retaining walls are failing; very poor job and workmanship on Tract 6102; referenced letter from Jay Jelincic, property owner in Tract 6102.

Chris Higgins believes that the Tract 6102 cannot be approved with all of the problems associated with the Tract.

Barbara Fields is a realtor and a retired contractor, supports the County keeping the bond money until the issues are addressed in Tract 6102.

Joseph McGowan, Financial Pacific, attorney has been involved in the project (Tract 6102) for approximately seven (7) years. The bond for \$1.5 million covered the issues referenced in the meeting, has spent \$1.4 million to correct issues and pay unpaid contractors on the project. Mr. McGowan stated that Financial Pacific will not perform any more work on Tract 6102 and the County could sue.

## **Speakers**

Marc Crawford, the performance bond is based on an engineer's estimate; should include street lights and "V" ditches; the project was approved in 1990 and the final map was not completed until years later; what has been negotiated in the settlement; does not support approving this project.

### **Purpose:**

- Report progress
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- Request recommendation from the Transportation and Planning Committee
- Other:

**Recommendation from the Transportation and Planning Committee:** Transportation and Planning Committee moved to discuss this item in Closed Session of the full Board of Supervisors under threat of litigation.

**PUBLIC COMMENT:** None.

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