

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
REGULAR MEETING

November 10, 2005

1. Call to Order and Roll Call

Vice-Chair Lockhart called the meeting to order at 4:31 p.m.

Roll was called. A quorum was present of the following Commissioners:

City Members: Janet Lockhart and Alternate Jennifer Hosterman

County Members: Gail Steele and Alternate Scott Haggerty

Special District Members: Jocelyn Combs, Katy Foulkes and Alternate Herbert Crowle

Public Members: Alternate Linda Sheehan

Commissioners absent: Robert Butler (Public), Marshall Kamena (City) and Nate Miley (County)

Staff present: Brian Washington, Legal Counsel; Barbara Graichen, Planner; and Sandy Hou, Clerk

Others present: Lou Ann Texeira on behalf of Crystal Hishida Graff, Executive Officer; Municipal Services Review Project Consultant Beverly Burr and Jacob Boomhouwer

2. Approval/Correction of Minutes

It was moved by Commissioner Foulkes and seconded by Commissioner Combs to approve the minutes of September 15, 2005.

Motion carried:

Ayes: 6 (Commissioners Combs, Foulkes, Haggerty, Lockhart, Steele, and Hosterman)

Noes: 0

Abstention: 1 (Commissioner Sheehan)

Excused: 3 (Commissioners Butler, Kamena, and Miley)

3. Transfer of Jurisdiction – Proposed Randi Annexation to the East Bay Municipal Utility District (EBMUD)

Barbara Graichen, LAFCo Planner, provided an overview of this request from Contra Costa LAFCo for a transfer of jurisdiction from Alameda LAFCo to Contra Costa LAFCo to allow consideration of a proposed annexation of less than one acre of territory into the EBMUD in order for the property to receive water service.

Commissioner Haggerty inquired if there would be any negative impacts to the County if this annexation were approved. Ms. Graichen responded that there would be none.

Commissioner Foulkes motioned to approve the proposal; Commissioner Haggerty seconded the motion.

Motion carried:

Ayes: 7 (Commissioners Combs, Foulkes, Haggerty, Lockhart, Steele, Hosterman and Sheehan)
Noes: 0
Excused: 3 (Commissioners Butler, Kamena, and Miley)

4. Public Works Extended Services County Service Area (PW-2006-1)

This item was carried over from the September 15th meeting to allow the County Public Works staff more time to do public outreach regarding this proposal. At today's meeting it was noted that a letter had been submitted by the County Public Works Agency (PWA) requesting that the Commission consider continuing this item to the March 9, 2006 LAFCo meeting to allow the PWA additional time to respond to questions raised by the community.

Commissioners asked what outreach efforts had occurred to date before considering the continuance request.

Ms. Texeira responded that the various meetings the PWA staff had attended to present this matter were summarized in LAFCO's response letter to the San Lorenzo Village Homeowners Association included in the Commissioner's agenda packet.

Ms. Janice Thoni, representing the PWA informed the Commissioners that in response to a suggestion from the Unincorporated Services Committee, PWA will post on their website in mid November, a FAQ (Frequently Asked Questions) document to address the various questions that have arisen regarding this proposal. Ms. Thoni also explained that PWA staff will attend the next Unincorporated Services Committee meeting in January; hence, their request to continue this item to LAFCo's March meeting.

Commissioner Combs requested that the PWA include the Ag Advisory Council and the Sunol Advisory Committee in their outreach efforts.

Commissioner Steele motioned that this item be continued to the March 9, 2006 LAFCo meeting; Commissioner Combs seconded the motion.

Motion carried:

Ayes: 7 (Commissioners Combs, Foulkes, Haggerty, Lockhart, Steele, Hosterman and Sheehan)
Noes: 0
Excused: 3 (Commissioners Butler, Kamena, and Miley)

5. Draft Municipal Services Review – Volume II – Utility Services

INTRODUCTION:

Lou Ann Texeira explained that she was attending today's meeting on behalf of new Executive Officer Crystal Hishida Graff, who was recovering from surgery.

Ms. Texeira gave introductory remarks about this Municipal Services Review of Utility Services, commenting on the purpose of the report and the general process. She noted that the Utility Service report covers water, sewer, flood control, stormwater, solid waste and resource conservation services. She reminded the Commissioners that the municipal service and Sphere of Influence (SOI) review is a two-step process. The current meeting would focus on the service review and required determinations; then, in January 2006, the Commission would be asked to consider the SOI options.

She indicated that this process had been productive and educational, resulting in numerous benefits – from gaining a better understanding of the delivery of municipal services in the County to now having digitized boundary and SOI maps as well as a Directory of Local Agencies.

Ms. Texeira then turned the presentation over to project consultant Beverly Burr to comment on the more significant aspects of the report.

REPORT PRESENTATION:

Ms. Burr, with assistance from Jacob Boomhouwer, CDM, Inc. presented a PowerPoint which provided an overview of the report and major findings. A copy of the PowerPoint presentation is available upon request.

Prior to commencing her presentation, Ms. Burr noted that there were some emerging issues that had come forward subsequent to the compilation of this report and explained that those issues were listed in the handout provided at today's meeting, as well as a revised Exhibit A incorporating the latest comments that had been received.

Following is a summary of various questions/comments raised during the presentation:

Water

- Commissioner Steele commented on the report's discussion of the Mohrland water service company that provides water service in the unincorporated islands in the Hayward area. She noted that annexation of Mt. Eden to the City of Hayward would impact the provision of water service for those residents currently served by Mohrland.
- Commissioner Hosterman asked why Zone 7 had not established a coterminous SOI. Ms. Burr explained that LAFCo had not yet updated any utility provider's SOIs. That topic would be addressed by the Commission at their meeting in January.

Wastewater

- Janette Stuart, Administrative Services Supervisor, Castro Valley Sanitary District spoke on the option identified in the report of consolidating Castro Valley and Oro Loma Sanitary districts, stating that although her organization is open to having discussion about this with Oro Loma, they do have, among other things, concerns regarding differing levels of services and rate differentials.
- Commissioner Crowle inquired if approval of both Boards would be needed for that consolidation to occur. Legal Counsel Brian Washington responded he would look into the issue and report back.

Flood Control and Stormwater

- Regarding the option of annexing Albany and Berkeley to the Alameda County Flood Control District, Commissioner Crowle commented on the cities' role in this process.
- Regarding Stormwater Services, Commissioner Sheehan suggested making revisions to the MSR Resolution Sections 2 – Growth and Population Projections as follows:

Add to second determination:

“Stormwater service providers may reduce runoff caused by new development by implementing development standards that minimize impervious surfaces and by requiring site measures (e.g., bioswales and detention basins) that direct runoff to pervious surfaces.”

Add a third determination:

“Stormwater service needs are also affected by pollutant loads in stormwater runoff and regulatory requirements, including total maximum daily load requirements, for reducing pollutants to the maximum extent practicable.”

PUBLIC HEARING:

Chair Lockhart opened the item for public comment. There were no comments from the public.

DISCUSSION:

Commissioner Combs asked if there were any major areas of concern that the Commission should consider. Ms. Burr mentioned the following:

- Water conservation efforts for Castlewood CSA
- Seismic vulnerability
- Availability of high quality water supply

The Commission discussed next steps regarding the proposed recommendations contained in the report, and directed staff to prepare a summary of follow-up items for Commission review at the next meeting. Subsequently, staff should prepare letters to the affected agencies outlining the various recommendations.

There was further discussion/clarification regarding Castlewood CSA. Ms. Burr noted that it is the only example of a public agency providing water service with no direct correlation to quantity used. Commissioner Haggerty offered some additional comments and expressed an interest in looking into the matter further.

Commissioner Foulkes noted a minor typographical error in the report that needed to be changed, i.e. replace “peaks flows” with “peak flows.”

Commissioner Hosterman requested that Pleasanton City staff be contacted to verify that the report contained the most current, up-to-date information regarding City.

Commissioner Steele asked if the report mentioned EBMUD's underground storage proposal in San Lorenzo. There was some discussion about this with the conclusion that because it was only in the proposal stages, it would not be included in the report but could be addressed in future MSRs.

MOTION:

Commissioner Combs motioned to accept the report, adopt the resolution incorporating the recommended changes, and request staff to prepare the final report, make it available to the affected agencies and continue to work on the SOI review and update to be brought forward at the January 2006 LAFCo meeting with the list of follow-up items. Commissioner Haggerty seconded the motion.

Motion carried:

Ayes: 7 (Commissioners Combs, Foulkes, Haggerty, Lockhart, Steele, Hosterman and Sheehan)
Noes: 0
Excused: 3 (Commissioners Butler, Kamena, and Miley)

6. Matters Initiated by Members of the Commission – There were none.

7. Public Comment

Bruce Baraco, in his role as retiring Executive Officer of the California State Association of Local Agency Formation Commissions (CALAFCO), on behalf of CALAFCO presented a certificate of appreciation to Lou Ann Texeira for her service to Alameda LAFCo and for all of her contributions to CALAFCO. He stated that CALAFCO had benefited greatly from Ms. Texeira's participation, assistance and energy. Her contributions included significant time on the awards committee as well as other activities. He concluded by conveying best wishes to Ms. Texeira on her new endeavors with Contra Costa LAFCo.

Ms. Texeira thanked Bruce for this recognition.

8. Informational Items

a. 2005 Legislative Wrap-Up - Commissioner Foulkes, referring to AB 1746 that extends the deadline for LAFCos to update Spheres of Influence to January 1, 2008, inquired about the next MSR cycle. Ms. Texeira clarified that the five year calculation would commence from the date the report is completed. She noted that for example, the Public Safety Review was adopted by the Commission in 2004; therefore, this type of review would need to occur again in 2009.

9. Adjournment of Meeting

The meeting was adjourned at 6:05 p.m.

9. Next Regular Meeting of the Commission

- Thursday, January 12, 2006 at 4:30 pm