

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
REGULAR MEETING

September 12, 2013

1. Call to Order and Pledge of Allegiance

Chair Sblendorio called the meeting to order at 4:31 p.m. The Pledge of Allegiance was recited.

2. Roll Call.

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

City Members: Tim Sbranti, John Marchand and alternate Jerry Thorne

County Members: Nate Miley and Scott Haggerty

Special District Members: Ayn Wieskamp, Ralph Johnson and alternate Georgan Vonheeder-Leopold

Public Members: Sblend Sblendorio and alternate Tom Pico

Not Present: Wilma Chan, alternate County Member

Staff present: Mona Palacios, Executive Officer; Andrew Massey, Legal Counsel; Ineda Adesanya, LAFCo Planner; and Sandy Hou, Clerk

Note: Items 3 and 4 on the agenda were taken out of order, i.e. item 4 was heard before item 3.

3. Public Comment (Item 4 on the agenda)

Chair Sblendorio invited members in the audience to address the Commission on any matter not listed on the agenda and within the jurisdiction of the Commission.

Mimi Steel addressed the Commission with general comments regarding the rights of property owners. She urged the Commission to improve its efforts to adequately notice property owners that could potentially be affected by LAFCo decisions.

4. Appreciation to Louis Andrade (Item 3 on the agenda)

Chair Sblendorio, on behalf of the Commission, presented a plaque of appreciation to former Commissioner Andrade for his four years of service on LAFCo. Mr. Andrade thanked the Commission and noted that it was a pleasure and honor to have served with them. Commissioner Wieskamp praised Mr. Andrade's willingness to serve on subcommittees and observed that he delved deeply into topics. The Executive Officer also expressed her appreciation for his work on the subcommittees and noted that he would be missed.

5. Approval/Correction of Minutes

Upon motion by Commissioner Sbranti and second by Commissioner Wieskamp, the minutes of the special meeting on July 29, 2013 were approved. Commissioners Marchand and Johnson abstained, as they were not present at that meeting.

6. Agriculture and Open Space Preservation Policy Study Session

Staff provided highlights of the written report, which was a summary of comments from the July 29th special meeting as well as additional information regarding LAFCo's authority relative to Measure D (Alameda County's voter-approved urban growth boundary), the Plan Bay Area's impact on LAFCo's policies, definition of terms, and other LAFCos' agriculture and open space policies including mitigation requirements.

Following Staff's summary remarks, Commissioner Wieskamp commented that defining terms would not be easy. Staff responded to Commissioner Pico's question about how Alameda LAFCo's current policies protect agricultural and open space land.

PUBLIC COMMENT

Chair Sblendorio invited members of the public to offer comments on this item. The following nine people addressed the Commission:

- Larry Gosselin, resident of Livermore, spoke in support of LAFCo establishing an ad hoc committee concerning agricultural and open space land preservation policy. He reiterated the main points he offered in his emailed comments regarding implementation strategies of agricultural land preservation policy that was included as an attachment to the staff report.
- Ted Fairfield, Pleasanton resident, co-owner of 1200 acres in the Doolan Canyon area that Pacific Union Holdings is proposing to develop, went over the main points in a letter sent to the Commission by his partner John Ferreri (also included as an attachment to the staff report) that provided some historical perspective regarding that area and expressed their concerns that annexation to a city would be perceived as some kind of 'loop hole' in Measure D. They were in support of allowing the cities of Livermore and Dublin, as LAFCo directed them, to develop a balanced approach towards development & land preservation in the Doolan Canyon area.
- Cassie Patterson, Doolan Road resident, pointed out that residents on Doolan Road had not been noticed about either today's meeting or the July 29th meeting and urged the Commission to consider the needs of those residents, namely the need for water, a serious shortage of which they have been experiencing for some time now.
- Trevor Patterson, Doolan Road resident, suggested that residents on Doolan road, because of the water issue, be allowed to be part of the ad hoc committee should one be established.
- Robert Steffan, Doolan Road resident, also spoke on the severe shortage of water in the area and requested to be noticed on future meetings regarding this topic.

Following Mr. Steffan's comments, Commissioner Wieskamp pointed out that this agenda topic was a discussion on policy and not on Doolan Canyon in particular.

- Mimi Steele, SF Bay CAPR and local resident, expressed concerns that property owners were being left out of the discussion on ag and open space preservation. She requested that they also be included on any ad hoc committee and that LAFCo widely notice property owners whenever it was discussing this topic and provide bigger, better maps.

- Morgan King, Dublin resident and proponent of open space land preservation, suggested that the ad hoc committee not just be an ag committee but an ag and open space committee, or maybe even two separate ad hoc committees. He observed that perhaps more than a change or improvement in the language used in its policies, which to him seems to be adequate already, LAFCo should look to improving its procedures to establish a more clear-cut way to consider the various issues when it is considering annexation proposals and that perhaps something as simple as a checklist could assist with that.
- David Bewley, Dublin resident and proponent of open space preservation, expressed his hopes that the Commission would keep in mind that preserving open space, as well as preserving ag land and discouraging urban sprawl were charges given to LAFCo by the law.
- Larry Tong, East Bay Regional Park District, noting how vital open space was to communities, provided to the Commissioners copies of California planning law concerning preservation of open space and spoke briefly on the sections that he had highlighted. He also indicated that he would be happy to serve on an ad hoc committee.

As there were no other speakers, Chair Sblendorio closed public comment.

COMMISSION DISCUSSION

There was an extensive discussion among the Commission following public comment that included the following highlights:

Commissioner Wieskamp emphasized that the Commission's effort concerning the matter of open space and agricultural land preservation policy should be overarching and not limited to looking at one area alone. She acknowledged that the Doolan Canyon residents' comments did illustrate that water availability is an important issue and thanked them for their input and interest.

Commissioner Haggerty, while acknowledging that LAFCo could make improvements in more broadly noticing, encouraged the residents of Doolan Canyon, because they live in an unincorporated area, come to the County for help with their water problems. He expressed reservations about forming yet another committee and noted that as a result of Measure D, which was actually more about protecting open space than agriculture, the County had set up an Agriculture Advisory Committee that was already looking at ways to enhance agriculture in the County. He noted that it could be helpful to have a joint meeting with that committee.

Agriculture Advisory Committee – In response to questions from Commissioner Sbranti, information about this committee was provided by Staff and Commissioner Haggerty, as well as Commissioner Sblendorio who had served on the committee in the past. Additional, up-to-date information was provided by Larry Gosselin who noted that the committee now meets quarterly and is currently focusing on developing a regional strategy to enhance agriculture that includes the recreational and habitat aspects of open space. The committee is considering doing a review of studies already done on agriculture, farmland, and open space towards identifying failures as well as successes.

Commissioner Pico, noting that water availability is a key component of prime agricultural land, suggested that the Commission encourage studies to look at ways of providing water to areas needing it for agricultural purposes. As an example he referred to an unused, but still existing water line from Dublin San Ramon Services District (DSRSD) that goes out to the quarries. Perhaps the Commission could consider asking DSRSD to do a study of the feasibility of providing recycled, reclaimed water

to the Doolan Canyon Area. Commissioner Haggerty commented that issues of water availability should be an issue for the Agriculture Advisory Committee and suggested that LAFCo send a letter to the Committee inquiring about examples they might have of reclaimed water being used effectively.

Commissioner Sbranti agreed that no new committees were needed and probably no new studies, and that having a conversation with the Agriculture Advisory Committee seemed to be a logical next step.

Commissioner Marchand noted that the City of Livermore has done studies on getting wastewater and drinking water to the Doolan Canyon area. He expressed agreement that the Commission needs to focus on overarching policies rather than directed to any particular area. He expressed appreciation for all the work Staff had put into the very detailed report and observed that though the language helps clarify the definitions, LAFCo already has the authority needed to impose conditions that would encourage open space and agricultural land preservation, and that it then is just a matter of working through the specifics.

Commissioner Miley commented that the LAFCo Commissioners need to remember that while at LAFCo meetings, they represent the County as a whole and not just their particular County district, city or special district.

In his remarks, Commissioner Sblendorio, noted that, although he wasn't sure of the direction the Commission should take in the matter, he wanted to support agriculture. He shared that he would like for the Commission's policies to reflect state law and wondered if the Commission should look at if there are any unique circumstances or local conditions in Alameda County that would warrant more county-specific policies. He agreed that it was a good idea to meet with the Agriculture Advisory Committee and that he would also like to hear about the South Livermore Plan – a summary of what's been good, what's been bad, if anything. And lastly, he agreed that they figure out a way to provide better notice. Commissioner Haggerty recommended hearing from the Winegrowers' Association as well.

MOTIONS

Following the discussion, Commissioner Haggerty motioned, seconded by Commissioner Wieskamp, to accept Staff's report together with Staff's recommendation to replace the current language in policy 4.2 with the definition of prime agricultural lands found in Government Code Section 56064, as noted in the report. Prior to the vote, Staff responded to questions from Commissioner Sbranti regarding the various factors she considers when reviewing an annexation proposal and preparing the report to the Commission - factors that include looking at possible loss in open space or agricultural land and that, although she has not generally recommended it in her reports, the Commission does have the authority to impose conditions of approval such as mitigation measures on a case-by-case basis. Motion passed unanimously.

Commissioner Wieskamp motioned, seconded by Commissioner Haggerty to hold a workshop together with the County's Agriculture Advisory Committee with an invitation for participation to the Winegrowers Association that would be open to the public and adequately noticed as determined by LAFCo and County staff. Motion passed unanimously.

Chair Sblendorio praised and thanked Staff for a wonderful job on the report as well as on the one for the July 29th Special Meeting on this topic and thanked the public for attending and offering their comments.

7. Summer Youth Intern Report

Staff reported on its third year of participation in the Alameda County Youth Leadership Summer Internship Program this past July, noting the many positive outcomes both for Staff and the intern, Cady Oberle, and expressed hopes for continuing with hiring a summer youth intern next year – either through the same program or something comparable, and encouraged Commissioners to feel free to make suggestions to Staff in that regard. She did note that an advantage to using the County’s internship program was that it was established and easy to use, and cautioned that going another route could require considerable more Staff time. She noted that further information about this would be provided at a future meeting.

8. 2014 Commission Meeting Schedule

Upon motion by Commissioner Haggerty and second by Commissioner Sbranti, the following dates were unanimously approved for Commission meetings in 2014:

January 9, March 13, May 8, July 10, September 11, and November 13.

The meetings will continue to be held at 4:30 pm at the same location – Dublin San Ramon Services District board chambers in Dublin.

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

10. Informational Items – Discussion, if any, or further info is noted after the item.

a. Application/project update

b. Legislative update

c. Newspaper articles

d. Report on 2013 CALAFCO Annual Conference, August 28-30, 2013

Staff proudly presented Chair Sblendorio with a 1st place medal won in the beer and wine competition in the white wine category with a Longevity Chardonnay, made from grapes grown on the Sblendorio estate, and mentioned that LAFCo won 2nd place in the red wine category as well.

Chair Sblendorio thanked all the Commissioners who attended the conference, with special thanks to Commissioner Haggerty for his excellent efforts during the beer and wine competition in promoting Alameda LAFCo’s entries.

Commissioner Miley noted that he enjoyed the conference and learned a lot regarding water and land use.

Staff reported that she and Commissioner Miley had participated in the Mobile Workshop, which was a visit by aerial tram to the Squaw Valley High Camp facility where they visited the Olympic Museum (1960 Olympics) and learned about the history of the Tahoe region and the challenges of community development in the area.

Commissioner Sblendorio mentioned that at the conference he and Commissioner Pico had discussed doing Municipal Service Reviews by type of service rather than by agency (as had been done during the first round of MSRs). As a result of their conversation, they wished to suggest that the Commission consider inviting, from time to time, representatives of various agencies to

attend LAFCo meetings to personally report on the services they provide. Following a favorable response from the other Commissioners, Chair Sblendorio noted that he would work with Staff to begin inviting speakers.

Commissioner Pico suggested also that the Commission look at how Plan Bay Area might affect Alameda County in terms of traffic and housing, particularly in regard to wastewater and sewage disposal as well as flood control.

e. Correspondence received

- 8/30/13 letter from Judy Erlandson, Public Works Manager, City of Pleasanton re Status of the Tri-Valley Water Utilities Coordination/Integration Study
- 8/30/13 letter from Fairview Fire Protection District (FFPD) Board of Directors with comments on the public review draft of the municipal service review of the FFPD
- 8/31/13 letter from Fairview resident Melba Bertush with comments on the public review draft of the municipal service review of the FFPD
- 9/05/13 email from Fairview resident Jack Wan regarding the public review draft of the municipal service review of the FFPD

11. Adjournment of Regular Meeting

The meeting was adjourned at 6:22 p.m.

12. Next Meeting of the Commission

Thursday, November 14, 2013 at 4:30 p.m.

Respectfully submitted,



Sandy Hou, LAFCo Clerk

These minutes were approved by the Commission on November 14, 2013.

Attest: 

Mona Palacios, LAFCo Executive Officer