

SUMMARY ACTION MINUTES
ALAMEDA LOCAL AGENCY FORMATION COMMISSION
SPECIAL MEETING

Hosted by Zoom Video-Conference Service

November 18, 2021

Call to Order

Chair Sblendorio called the meeting to order at 2:00 p.m.

1. Roll Call.

The roll was called. A quorum was present of the following commissioners:

<u>County Members:</u>	David Haubert and Nate Miley
<u>City Members:</u>	Bob Woerner, Melissa Hernandez, and alternate Karla Brown
<u>Special District Members:</u>	Ayn Wieskamp, Ralph Johnson, and alternate Georgan Vonheeder-Leopold
<u>Public Members:</u>	Sblend Sblendorio and alternate John Marchand
<u>Not Present:</u>	
<u>Staff present:</u>	Rachel Jones, Executive Officer, April Raffel, Clerk, and Andrew Massey, Legal Counsel

2. Moment of Silence on the passing of LAFCO Commissioner Wilma Chan: The Commission reflected on the Alameda County Board of Supervisors' Chan legacy and her many contributions to the LAFCO Alameda County and her community at large.

- LAFCO Commissioner and County Board of Supervisor Wilma Chan served the Commission for over ten years, and her community and region, for over thirty years. Supervisor Chan provided tremendous public service. Her dedication to causes in public health and childcare should be a mold for others to follow. The benefits of her work will continue to live on. We take this moment of silence to honor her and her legacy, and we send our condolences to her family.
- Commissioner Miley, Commissioner Haubert, Commissioner Johnson, Commissioner Wieskamp, and Commissioner Hernandez also shared their reflections and experiences working with Commissioner Chan.
- Commissioner Haubert commented on December 8th at 2:00 p.m., and there will be a public service event at the Oakland Museum in honor of Supervisor Chan.
- The Board of Supervisors voted on establishing a Wilma Chan Memorial Fund, which will raise funds to support causes Supervisor Chan wanted in the community.

3. Public Comment

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.

There were no public comments.

4. Priority Item: Approval of Resolution to Continue Virtual Meetings due to COVID-19 Pandemic

- Alameda LAFCO considered actions necessary to proceed with virtual meetings in accordance with AB 361. The resolution was prepared accordingly and made the necessary findings authorizing LAFCO to conduct virtual Commission meetings for the next 30 days.
- Commissioner Miley asked if we don't meet for another 30 days, will we have a special meeting to approve a resolution? Based on the Counsel's advice, Executive Officer Jones mentioned that we will have to approve or review a resolution before every meeting instead of having a special meeting. Legal Counsel Massey mentioned LAFCO would be looking at adopting a resolution when the body needs to meet. If we met in less than 30 days, another resolution would not have to be adopted. Still, we could adopt another resolution if we met at our next meeting in January 2022.

Staff recommended approval.

Upon motion by Commissioner Wieskamp, second by Commissioner Hernandez, the item is approved.

AYES: 7 Haubert, Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio
NOES: 0
ABSENT: 0
ABSTAIN: 0

5. Consent Items:

- a. Approval of Meeting Minutes: September 9, 2021, Regular Meeting
- b. First Quarter Budget Report for Fiscal Year 2021-2022
- c. Proposed Budget Amendment for Fiscal Year 2021-2022

- Staff would like to budget an amendment of \$100,000 from the fund balance to supplement current and additional LAFCO studies.

Chair Sblendorio and Commissioner Wieskamp noted a change in the spelling of the last name of Kelly Abreau of the September 9, 2021 Meeting Minutes.

Upon motion by Commissioner Haubert, second by Commissioner Wieskamp, the item is approved.

AYES: 7 Haubert, Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio
NOES: 0
ABSENT: 0
ABSTAIN: 0

6. Proposed Annexation of Greenville Plaza and Northfront Road to City of Livermore

(Public Hearing) – The Alameda Local Agency Formation Commission (LAFCO) considered a change of organization proposal filed by the City of Livermore to annex one unincorporated parcel in Alameda County comprising 2.52 acres, and a public right of way along Northfront Road comprising 4.37 acres, for a total annexation area of 6.89 acres. The purpose of the proposal is to provide municipal services to the affected territory to develop a commercial plaza

that includes a convenience store, drive-through restaurant, car wash, and gas station. The affected territory is within the City's sphere. Staff summarized the proposal and recommended approval.

- This item is for the Commission to consider approving – with or without modifications – the applicant's submitted change of organization proposal to annex the affected territory to the City of Livermore. The Commission may also consider applying conditions to approval so long as it does not directly regulate land use, property development, or subdivision requirements.
- Staff recommends the Commission adopt the draft resolution identified as Attachment 1. Staff will return the item to the Chair for Commission discussion and open the public hearing.
- Commissioner Marchand worked on this with the City of Livermore, and it's been a long time in the process and wanted to congratulate Ali Amidy and wish him the best on this project.

Chair Sblendorio opened and closed the public hearing with no public comments being offered.

Upon motion by Commission Woerner, second by Commissioner Haubert, the item is approved.

AYES: 7 Haubert, Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio
NOES: 0
ABSENT: 0
ABSTAIN: 0

7. Approval of Proposed Fiscal Reserve Policy (Regular) – The Alameda Local Agency Formation Commission (LAFCO) considered approving a proposed fiscal reserve policy that sets to maintain an appropriate operational reserve level and establishes a protocol for crediting excess unassigned funds (surpluses). In its initial draft form, the proposed policy returns to the Commission from Alameda LAFCO's last regular meeting.

- This item is for Alameda LAFCO to consider approving a proposed fiscal reserve policy that sets to maintain an appropriate operational reserve level and establishes a protocol for crediting excess unassigned funds. The proposed policy adds discretionary standards and is marked by establishing a minimum reserve level of unassigned reserves equal to four months of budgeted expenses or a third of LAFCO's annual operating budget. In its initial draft form, the proposed policy returns to the Commission from Alameda LAFCO's last regular meeting. Staff recommends approval of the proposed policy with any desired revisions. Staff will return the item to the Chair for any questions, comments, or discussion.
- Chair Sblendorio and staff wanted to give special thanks to our Policy and Budget Committee Commissioners which includes Commissioner Vonheeder-Leopold, Commissioner Johnson, and Commissioner Woerner, for his staff to look at five years of LAFCO's fund balance and reserves.

- Commissioner Woerner thanked Rachel for bringing the matter to their attention that we needed to do something and that what they came up with made good sense and on a good path.

There were no public comments.

Staff recommended approval of the proposed policy. There were no questions or discussion.

Upon motion by Commission Woerner, second by Commissioner Johnson, the item is approved.

AYES: 7 Haubert, Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio
NOES: 0
ABSENT: 0
ABSTAIN: 0

8. Final Report and Sphere of Influence Updates | Countywide Municipal Service Review on Water, Wastewater, Stormwater, and Flood Control Services (Public Hearing) – Alameda LAFCO will receive a final report as prepared as part of its scheduled Municipal Service Review (MSR) on the provision of water, wastewater, flood control, and stormwater services throughout Alameda County.

- This item is for Alameda LAFCO to complete its scheduled municipal service review on its countywide water, wastewater, flood control, and stormwater services. This includes accepting a final report prepared by Quad Knopf Associates and highlighted by an Executive Summary outlining determinations and recommendations. This also includes adopting a resolution accepting the final report of the municipal service review and all determinations required for the Commission under the statute.
- A public review of the draft report, which included determinations, was presented to the Commission for discussion and feedback and made available to the public at Alameda LAFCO's regular meeting on July 8th of this year. The Commission provided thorough feedback and edited it to incorporate it in the final report. The draft was distributed to all affected agencies, and a 30-day public review and comment period followed. Notice was also published in the local newspaper and posted on the LAFCO website. LAFCO received 12 comments letters from the affected agencies that have been incorporated into the final report.
- Both MSR consultants and LAFCO staff recommend retaining existing spheres for all the affected agencies. Principal Planner Steve Brandt of Quad Knopf Associates, Inc provided a presentation of the final report.

Chair Sblendorio invited Commissioners and members in the audience to address the Commission by opening the public hearing for public comments.

- There was one public comment during the public hearing. Carol Mahoney, Zone 7, wanted

to highlight a few of the regional collaborations already taking place among the water and wastewater agencies around Alameda County, which includes the Bay Area Regional Reliability (BARR) partnership, Shared Water Access Program (SWAP), Tri-Valley Water Liaison Committee, Bay Area Water Agency Coalition, and locally, Zone 7 and our Tri-Valley partners are currently undertaking various studies to understand the potential benefits and impacts of potable reuse project. She requested that the Regional Committee proposed by LAFCO focus on supporting these existing regional efforts to avoid duplicative efforts and divert staff time from projects already underway.

- Commissioners provided feedback, questions, and recommendations on focus areas for the review, such as discussion about striking the term master plan and inserting Alameda LAFCO should create a Countywide Regional Water and Wastewater Committee that includes all affected agencies that provide water, wastewater, stormwater, and flood control services to explore opportunities and to share practices for collaboration on how the region can recycle water, or better utilize water that is already imported, so it is not only used once and discarded into the Bay. The Committee should also explore the costs and effectiveness of a regional desalination plant.
- Executive Officer Jones recommended having a consultant available to provide some kind of information on what some of the other affected or other agencies within the state are doing with desalination or recycled water.
- Alternate Commission Vonheeder-Leopold recommended not hiring a paid consultant but to contact Aqua Association of the California Water Agencies, or CASA, California Association of Sanitation Agencies. Both of these organizations know about 99 percent of what's going on throughout the state with their members.
- Commissioner Miley wanted to go on the record, "If we don't get the level of participation we need through whatever mechanism, LAFCO needs to make determinations on what we want to do next."
- The Executive Officer reported that staff recommended the Commission formally accept the final report with distribution to all the affected agencies and adopt a resolution codifying the associated determinations and recommendations.

Upon motion by Commission Woerner, second by Commissioner Johnson, the item is approved.

AYES: 6 Miley, Hernandez, Woerner, Johnson, Wieskamp, and Sblendorio
NOES: 0
ABSENT: 1 Haubert
ABSTAIN: 0

9. Matters Initiated by Members of the Commission

There were none.

10. Executive Officer Report

a. Update on LAFCO's South Livermore Valley Area Specific Plan Study

- With the Measure D Analysis now nearly complete, Lamphier-Gregory has moved on to more fully engage with the second assignment as related to South Livermore Specific Plan/Area Plan issues. The efforts to date have included:
- Gathering data related to prior residential housing growth and commensurate agricultural land preservation within the boundaries of these respective planning areas, assessing the relative effectiveness of these Plans in achieving their desired outcomes
- Quantifying the remaining residential development potential and remaining agricultural lands preservations yet to be realized pursuant to those Plans
- Getting better educated about general concerns over nitrate pollution of South Livermore Valley's groundwater from winery wastewater processes, and potential increased sedimentation from vineyard runoff
- Reviewing, and understanding the implications associated with the fairly recent January 2021 State Water Board's General Waste Discharge Requirements (WDRs) for winery process water (Winery Order) for wineries and other similar facilities. The Winery Order is applicable statewide and intended to streamline and improve permitting consistency and address new discharge standards applicable to viticulture operations.

b. Update on LAFCO's Review of Measure D

- Following the September 9th presentation to Alameda LAFCO of preliminary findings related to Measure D, Staff made the PowerPoint slides and preliminary report available to several identified stakeholders, providing them with 30 days to provide comments on the materials. Staff received and forwarded to Lamphier-Gregory three written comments on that draft report (from the Alameda Community Development Agency, Mr. Dick Schneider representing the Sierra Club, and Mr. Larry Gosselin and Mr. Chuck Moore representing the equine industry's interests). In response to these comments, as well as comments received during the LAFCO presentation, Lamphier-Gregory has initiated several changes and additions to the draft report, specifically to address the following topics:
- Providing a comparison of pre-and post-Measure D changes in agricultural soils, as reported by the Department of Conservation's Farmland Mapping and Monitoring Program (FMMP)
- Conducting spot-check validation of the FMMP's reported acreage in agricultural soils in East County, with additional effort to explain why some of FMMP's reported agricultural lands in East County may have changed designations (for example, from Prime Ag to Grazing), and whether these changes had anything to do with Measure D
- Casting a broader net to provide more comparisons of Ag zoning regulations pertaining to non-residential FAR and building envelopes, including comparisons to the additional counties of Mendocino, Marin, San Luis Obispo, and Monterey
- Providing a more comprehensive comparison of permitted development potential on Ag lands, using the FAR regulations of Alameda County compared to similar FAR regulations of those other counties that do have such regulations, and shows a relative sliding scale of development potential based on varying parcel sizes.
- Adding additional information on the equestrian-based industry in Alameda County

- Adding a comparative analysis of regulations from other Bay Area counties related to equestrian-based land uses (e.g., horse grazing and breeding, boarding stables, training facilities, and equestrian event facilities)

11. Informational Items -Staff offered brief remarks on the following items

- a. Current and Pending Proposals
- b. Progress Report on Work Plan
- c. CALAFCO Update (verbal report)

- Congratulations to all of the newly elected and re-elected CALAFCO Board members for the 2021-2022 fiscal year. CALAFCO thanks all the voting delegates, and a special thank you to Commissioner Vonheeder-Leopold for your participation at CALAFCO's annual business meeting. The following candidates have been elected to the CALAFCO Board of Directors.

- Central Region City Member is *Daniel Parra* (Fresno), and Public Member is *Anita Paque* (Calaveras)
- Coastal Region City Member is *Margie Mohler* (Napa), and Public Member is *Shane Stark* (Santa Barbara)
- Northern Region County Member is *Bill Connelly* (Butte), and District Member is *Debra Lake* (Humboldt)
- Southern Region County Member is *Michael Kelley* (Imperial), and District Member is *Jo MacKenzie* (San Diego)

CALAFCO also announced that the 2022 Staff Workshop would be held from March 23rd to 25th in Newport Beach.

12. Adjournment of Regular Meeting

Chair Sblendorio adjourned the meeting at 3:16 p.m.

13. Next Meetings of the Commission

Policy and Budget Committee Meeting
Thursday, December 2, 2021, at 2:00 p.m.

Regular Meeting
Thursday, January 13, 2022, at 2:00 p.m.

It is anticipated that both meetings will be held remotely up to our January 2022 Meeting.

Respectfully submitted,

A handwritten signature in black ink that reads "April Raffel". The signature is written in a cursive style with a large, looped initial 'A'.

April Raffel, Commission Clerk

Attest:

A handwritten signature in blue ink that reads "Rachel Jones". The signature is written in a cursive style with a large, looped initial 'R'.

Rachel Jones
Executive Officer