

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MINUTES OF MEETING

June 8, 2016

Board of Supervisors Chambers
Martinez, CA

July 13, 2016
Agenda Item 5

1. Chair Mary Piepho called the meeting to order at 1:30 p.m.

2. The Pledge of Allegiance was recited.

3. Welcome Returning Special District Commissioner Mike McGill

Chair Piepho welcomed Mike McGill and congratulated him on his reappointment to the Commission.

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

County Members Mary Piepho and Alternate Candace Andersen.

Special District Members Mike McGill and Igor Skaredoff and Alternate Stanley Caldwell.

City Members Rob Schroder and Don Tatzin.

Public Members Don Blubaugh and Alternate Sharon Burke.

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

5. Approval of the Agenda

Upon motion of Skaredoff, second by Tatzin, Commissioners, by a vote of 7-0, adopted the agenda.

AYES: Andersen (A), Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

6. Public Comments

There were no public comments.

7. Approval of May 11, 2016 Meeting Minutes

Upon motion of Skaredoff, second by Blubaugh, the minutes were unanimously approved by a vote of 7-0.

AYES: Andersen (A), Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin

NOES: none

ABSENT: Glover (M)

ABSTAIN: none

8. Informational Presentation - Delta Diablo: Success in Resource Recovery: Local, State and National Partnerships

The Executive Officer introduced Angela Lowrey, Public Information Manager at Delta Diablo (DD), a resource recovery agency serving the cities of Antioch and Pittsburg and the unincorporated Bay Point community. Ms. Lowrey gives visibility to the challenges and opportunities in wastewater management, resource recovery, pollution prevention, water resources development and environmental stewardship at local, state and national levels. Prior to joining

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Delta Diablo, she was based in Washington DC as Communications Manager for the Australian Trade Commission where she managed their only offshore global public affairs office.

Ms. Lowrey provided some background and history of Delta Diablo, the first and one of the largest industrial recycled water plants in California, highly acclaimed for its work. In 2016 already, DD has received the East Bay Economic Development Alliance “Catalyst of the Year”, and the National Association of Clean Water Agencies’ “Platinum Peak 12” performance awards. DD has committed to becoming the “utility of the future” by taking the “waste” out of wastewater and focusing on resource recovery that produces clean water, recovers nutrients such as phosphorus and nitrogen, and reduces the district’s dependence on fossil fuel through the production and use of renewable energy. DD is working hard to reuse everything that comes into the plant.

DD is part of numerous coalitions, and partners with many agencies and corporations within its district to provide recycled water. The Western Recycled Water Coalition, of which DD is a key member, includes 23 districts, cities and investor-owned utilities, representing over 4 million residents in the states of California, Washington, New Mexico, and Hawaii. This organization has to date secured \$38 million in federal funding, has 34 projects involving agriculture, industry, urban landscape, and wetlands, all focused on developing sustainable water supplies. This coalition wants to build a nationwide organization of agencies working on providing non-controversial dry year water supplies wherever needed. Of an estimated 92 recycled water project locations throughout the US, 65 are in California. The opportunities for the future of recycled water outweigh the obstacles, and partnerships and collaborations will strengthen these efforts in Contra Costa County as well as statewide and nationally.

Commissioners expressed their appreciation for Ms. Lowrey’s presentation, with Commissioner McGill pointing out that Delta Diablo is one of the great leaders in an industry that is highly regulated.

9. LAFCO 13-08 - Northeast Antioch Reorganization (Area 2A): Annexations to the City of Antioch and Delta Diablo and Detachment from County Service Area P-6

The Executive Officer noted that this item was continued from the June 10, 2015 LAFCO meeting due to a number of unresolved issues, including: land use and zoning designations, and needed updates to the City’s General Plan to address industrial uses as requested by some of the property owners; a City/County cure to the faulty storm water drain pipe; City outreach and education to the property owners and members of the Sportsman Yacht Club; and a City plan to manage the Antioch Dunes wildlife area following annexation. At the June 2015 meeting, the Commission requested that the City of Antioch provide quarterly updates on the status of these issues.

Staff reported that, while the City did not provide LAFCO with quarterly updates, it did provide a letter on May 23, 2016. The City indicates that it is not currently pursuing this annexation for various reasons. Notably, the City remains concerned about the condition of the storm water infrastructure; however, it remains confident that the City and County will reach agreement on how to address this issue. Regarding outreach to the Area 2A landowners and residents, the City would prefer to engage in stakeholder outreach once the storm water infrastructure issue is resolved. The City indicates that it has not prioritized nor directed resources to either resolution of the storm water infrastructure or the outreach efforts. No updates were provided regarding the status of the City’s General Plan update or the City’s plan to manage the Antioch Dunes wildlife area. Little progress has been made in the past year.

The public hearing was reopened.

Alexis Morris, Senior Planner for the City of Antioch, stated that the General Plan update is a target land use update only, and that due to turnover in staff, that update is 12-18 months away from completion. She indicated that the industrial area in [NE Antioch] Area 1 was rezoned to heavy industrial.

Commissioner Tatzin referenced a June 7, 2016 letter from Kiewit Infrastructure Company that reiterated their opposition to an annexation primarily due to the lack of progress on rezoning and the consequent lack of assurance that the company will continue to be able to operate in a heavy industrial zone (as the County now designates it).

In response to Commissioner Blubaugh's questions, Ms. Morris responded that there would be no time limit on the company's ability to operate in the same way if the City rezoned differently, although there might be limitations on expansion of the company's operations.

Darlene Dawson, a resident at Sportsmen Yacht Club, spoke on behalf of the current commodore, Doug Horton, in opposition, and pointed out that she had delivered a number of letters from residents and landowners opposing the annexation.

Ken Retzloff, of Wilbur Avenue Storage, stated his opposition, adding that the issues, including zoning and future plans for the area, have not been addressed by the City, and asked about advantages to annexing to the City.

Blaise Fettig, with Vortex Marine Construction and a neighbor of Kiewit, voiced his opposition based on three points: 1) rezoning concerns, primarily; 2) the requirement for landowners to convert from septic to Delta Diablo; and 3) concerns regarding the repair and maintenance of the stormwater drain pipe.

Darlene Dawson spoke again, pointing out that the stormwater drain has been a problem since 1994.

Asked by the Chair about mandatory hookups to Delta Diablo, staff responded that DD generally defers to the City and neither will require hookups unless the landowner requests that.

In response to Commissioner Skaredoff's question about the condition of existing septic systems, Ms. Dawson reported that the Sportsmen Yacht Club's system is in good working order.

Commissioner Blubaugh asked how many meetings the City has had with property owners; Ms. Morris responded that no meetings have been held.

Antioch City Manager Steve Duran responded that the City has been in the process of rezoning and updating its General Plan land use element. Because the storm drain had not been initially disclosed, the City wants the County to take care of this. Also, Antioch Dunes is a national wildlife refuge, and thus not a responsibility of the City.

Commissioners further questioned Mr. Duran regarding how long it will take for the land use element update - Mr. Duran responded "about a year"; whether the City is aware of LAFCO's peril as a result of these delays and the creation of an island (no response); and asked how much money Antioch is getting from the power plant - to which Mr. Duran responded "not enough."

Commissioner McGill expressed his frustration and his concerns about Contra Costa LAFCO's and his own credibility, as both a LAFCO Commission and a member of the CALAFCO Board of Directors.

Mr. Duran reiterated the City's concern about the storm drain and the cost to the City if the areas is annexed without the County first repairing it in its entirety.

Rich Seithel, from the County Department of Conservation and Development, reported that the storm drain is a big problem that will require a lot of money to remedy. No funds were set aside for work like this in Area 2A.

Commissioner Tatzin stated that he supports moving forward with annexation, but recognizes that this will trigger a protest hearing. Staff concurred, noting that the protest hearing is ministerial, and summarized the conditions that would affect the outcome of LAFCO's action. Chair Piepho asked that staff bring that information back to the Commissioners when the item returns.

Upon motion of McGill, second by Blubaugh, Commissioners unanimously, by a 7-0 vote, continued the public hearing 90 days to the September 14, 2016 regular LAFCO meeting; directed staff to pursue further clarification and information on the stormwater drain's future ownership and maintenance should the annexation be supported, definition of the Antioch Dunes wildlife area and its jurisdiction (and title), and an update from the City of Antioch regarding its process for updating the land use element of its general plan.

AYES: Andersen (A), Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Glover (M)
ABSTAIN: none

10. Contract Extension - Lamphier-Gregory

The Executive Officer provided brief background on the contract with Lamphier-Gregory since 2008 for planning services as needed. Under the contract, Nat Taylor serves as Senior Planner & Project Manager, and provides environmental planning and related staff support as detailed in the staff report.

This one-year contract extension with Lamphier-Gregory would extend the term of the contract from June 30, 2016 to June 30, 2017. The amendment includes no increase to hourly rates and no increase to the contract amount. Adequate funds are included in the existing contract and in the FY 2016-17 LAFCO budget.

Upon motion of Tatzin, second by Andersen, Commissioners, by a 7-0 vote, authorized staff to amend the contract with Lamphier-Gregory for one year to June 30, 2017.

AYES: Andersen (A), Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Glover (M)
ABSTAIN: none

11. Request to Transfer Jurisdiction from Alameda LAFCo to Contra Costa LAFCO

The Executive Officer reported that this request for a transfer of jurisdiction relates to an application from a landowner to amend the SOIs for CCCSD and EBMUD and annex the corresponding property to both districts in conjunction with the Tassajara Park Project, as described in the staff report. The property is 30± acres, located in the Tassajara Valley and is outside the countywide ULL.

Alameda and Contra Costa LAFCOs have adopted *Procedures for Processing Multi-County Changes of Organization or Reorganization - Alameda and Contra Costa LAFCOs*. Alameda and Contra Costa LAFCOs have a history of transferring jurisdiction. These procedures provide for an initial review and consultation by the LAFCO Executive Officers, which has occurred.

Upon motion by Blubaugh, second by McGill, Commissioners, by a 7-0 vote, agreed to assume exclusive jurisdiction for this proposal, and authorized LAFCO staff to send a letter to Alameda LAFCO requesting a transfer of jurisdiction.

AYES: Andersen (A), Blubaugh, McGill, Piepho, Schroder, Skaredoff, Tatzin
NOES: none
ABSENT: Glover (M)
ABSTAIN: none

12. Correspondence from CCCERA

There were no comments on this item.

13. Commissioner Comments and Announcements

Commissioner Schroder stated that he would like to know what happened with the \$1 million the City received when the power plant in NE Antioch Area 1 was annexed to the City of Antioch.

Commissioner McGill reported that he was unable to attend the CALAFCO Legislative Committee in May, but he will be attending the June 24 meeting of that committee, as well as the CALAFCO Board meeting on July 29 in San Diego.

14. Staff Announcements

The Executive Officer reported that she is working on a 1-2 page white paper about the Fire/EMS MSR (i.e. an executive summary of the executive summary) of the 2nd Round MSR, focusing on the unsustainability of ECCFPD and RHFPD, how that happened and how to fix some of these problems, highlighting the changes that have taken place since the 2009 MSR. This can be sent to cities, districts, and posted as widely as possible throughout the County. It can also be sent to the newspaper as an op-ed piece.

Commissioner Tatzin suggested that perhaps the Chair could sit down with print and broadcast media, or designate someone to do that, to bring this to the public's attention. Commissioner McGill suggested that waiting until the July meeting is too late; it would be good to speed this along.

Following further discussion, it was agreed that the motion at the May 11 meeting provided enough direction to allow the LAFCO Chair to work with staff and other Commissioners (McGill and Burke volunteered) to move forward with the preparation and dissemination of a white paper.

The meeting adjourned at 2:58 p.m.

Final Minutes Approved by the Commission July 13, 2016.

AYES:
NOES:
ABSTAIN:
ABSENT:

By _____
Executive Officer