LAFCO MEETING MINUTES (CORRECTED)
WEDNESDAY, DECEMBER 6, 2017

CALL TO ORDER

The meeting was called to order at 1:15 p.m.

1. ROLL CALL

The following commissioners and alternates were present:

• Vice Chairperson Ken Yeager
• Commissioner Sergio Jimenez
• Commissioner Rob Rennie
• Commissioner John L. Varela
• Commissioner Mike Wasserman
• Commissioner Susan Vicklund Wilson
• Alternate Commissioner Yoriko Kishimoto (voting in place of Chairperson Hall)
• Alternate Commissioner Russ Melton
• Alternate Commissioner Terry Trumbull

The following commissioners and alternates were absent:

• Chairperson Sequoia Hall
• Alternate Commissioner Sylvia Arenas
• Alternate Commissioner Cindy Chavez

The following staff members were present:

• LAFCO Executive Officer Neelima Palacherla
• LAFCO Analyst Lakshmi Rajagopalan
• LAFCO Clerk Emmanuel Abello
• LAFCO Counsel Malathy Subramanian

2. WELCOME NEW STAFF

Neelima Palacherla introduced the new LAFCO analyst, Lakshmi Rajagopalan, and the Commission welcomed her.
3. RESOLUTION OF COMMENDATION FOR BILL SHOE
The Commission adopted and presented the Resolution of Commendation to Bill Shoe.

Commission Wasserman commended Mr. Shoe, making particular note of his institutional knowledge, his creativity, his willingness to delve deeply into issues, and for his attendance at countless South County meetings.

Mr. Shoe expressed appreciation to the Commission and to LAFCO staff. He indicated that it has been an honor to work for the County and to have succeeded people like Bob Sturdivant, Don Weden and Eric Carruthers, who have worked on progressive growth management and planning policies.

4. PUBLIC COMMENTS
There was none.

5. MINUTES OF OCTOBER 4, 2017 LAFCO MEETING
The Commission approved the minutes of the October 4, 2017 LAFCO meeting, with no revisions.

Motion: Varela Second: Wasserman
AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson, Kishimoto
NOES: None ABSTAIN: None ABSENT: None
MOTION PASSED

6. WAIVER OF ONE YEAR TIME REQUIREMENT FOR RESUBMITTAL OF MONTE SERENO USA/SOI AMENDMENT PROPOSAL
Ms. Palacherla presented the staff report.

Nick Petridis, representative of the property owners, expressed appreciation for the opportunity to request a waiver of the one-year time requirement. He indicated that the proposal is an example of good planning and environmental considerations, and that allowing the applicant to connect to sewer is a public benefit. He indicated that waiving the one-year time requirement allows for administrative efficiency as LAFCO members who are familiar with the application would review it instead of waiting until June when there could be changes on LAFCO. He also requested consideration to waive or adjust the fees.

In response to an inquiry by Commissioner Wasserman, Ms. Subramanian clarified that the Commission must find that the time requirement is detrimental to public interest. Commissioner Wasserman moved for approval of the waiver request based on the finding that the time requirement would delay their
application to obtain sewer connection and that is detrimental to public interest. Commissioner Varela seconded.

Alternate Commissioner Kishimoto stated that she is against the motion since she cannot find that the time requirement is detrimental to public interest since the septic system is not failing and does not pose any hazard to public health and safety. She noted that the reason for the one-year time requirement is to promote a more efficient process and avoid repeated reviews.

In response to an inquiry by Commissioner Wilson, Vladimir Rubashevsky, property owner, indicated that he is unable to say if their three-year old septic system is failing or not, but that it has odor and is clogging. He stated that his neighbors’ plan to develop their property was postponed several times due to unfavorable LAFCO decision, and requested that LAFCO decide soon so they can proceed.

Commissioner Wilson expressed concern that the waiver could create a precedent that allows applicants to bring the same application to LAFCO repeatedly, and she expressed agreement with Alternate Commissioner Kishimoto. She acknowledged that the septic system is not the best option environmentally and noted the statement by the property owner describing the state of the septic system. She expressed support for the motion for this one time only but reiterated that Alternate Commissioner Kishimoto’s position on the motion is warranted.

Commissioner Yeager expressed agreement with Commissioner Wilson and indicated that he is also conflicted about the motion since it may send a wrong signal that applicants can keep on resubmitting applications that LAFCO has previously denied. He stated that there are only four months left before the one-year time requirement is completed but stated that he would support the motion to process the application a little faster. In response to an inquiry by Commissioner Varela, Ms. Palacherla advised that there has been no request for such a time waiver in the past. Commissioner Wilson clarified that she supports the motion to allow resubmission of the application sooner but it does not indicate her support for its approval when it comes back.

Commissioner Jimenez expressed agreement with Commissioner Wilson and stated that he is looking forward to a thorough discussion of the application at the public hearing. In response to his inquiry, Ms. Palacherla informed that the one-year time requirement is State law, which also allows the Commission to make an exception provided it makes a certain finding. In response to his follow-up inquiry, Ms. Subramanian advised that the necessary finding is that the one-year time requirement is detrimental to public interest but State law does not provide more detail.
The Commission made the finding that the one-year time requirement is detrimental to public interest because it delays the application by which the property owners could potentially get off the existing septic systems and connect to the sewer line, and waived that time requirement.

Motion: Wasserman  Second: Varela
AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson
NOES: Kishimoto  ABSTAIN: None  ABSENT: None

MOTION PASSED

7. UPDATE ON COMMUNICATIONS AND OUTREACH PLAN & IMPLEMENTATION

Ms. Palacherla thanked Alternate Commissioner Kishimoto for participating in the consultant interviews and selection process. Alternate Commissioner Kishimoto indicated that there were at least three very good applicants and that L Studio was the most impressive.

The Commission accepted the report.

8. 2018 SCHEDULE OF LAFCO MEETINGS

The Commission adopted the schedule of LAFCO meetings and application deadlines for 2018.

Motion: Wilson  Second: Jimenez
AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson, Kishimoto
NOES: None  ABSTAIN: None  ABSENT: None

MOTION PASSED

9. APPOINTMENT OF 2018 LAFCO CHAIRPERSON AND VICE-CHAIRPERSON

The Commission appointed Vice Chairperson Yeager to serve as the Chairperson for 2018.

Motion: Wasserman  Second: Varela
AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson, Kishimoto
NOES: None  ABSTAIN: None  ABSENT: None

MOTION PASSED

The Commission appointed Commissioner Wilson to serve as Vice-Chairperson for 2018.
Motion: Kishimoto Second: Yeager
AYES: Yeager, Jimenez, Rennie, Varela, Wasserman, Wilson, Kishimoto
NOES: None ABSTAIN: None ABSENT: None
MOTION PASSED

10. EXECUTIVE OFFICER’S REPORT
10.1 INQUIRY FROM PROPERTY OWNER IN WEST SAN JOSE CONCERNING NEIGHBORHOOD’S POTENTIAL DETACHMENT FROM SAN JOSE AND ANNEXATION TO CUPERTINO
In response to an inquiry by Commissioner Jimenez, Ms. Palacherla reported that staff has not heard back from the residents on any further steps they have undertaken. Commissioner Yeager indicated that he is familiar with the area.

10.2 LAFCO PRESENTATION TO SANTA CLARA COUNTY FARM BUREAU
The Commission noted the report.

10.3 MEETING WITH CALIFORNIA SPECIAL DISTRICTS ASSOCIATION REPRESENTATIVE
The Commission noted the report.

10.4 MEETING WITH CITY OF MOUNTAIN VIEW STAFF CONCERNING POTENTIAL DEVELOPMENT OF FEDERAL LANDS, INCLUDING MOFFETT FIELD
The Commission noted the report.

10.5 MEETING WITH COUNTY ROADS AND AIRPORTS DEPARTMENT STAFF ON ISLAND ANNEXATIONS
The Commission noted the report.

10.6 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS (SCCAPO) MEETING
The Commission noted the report.

10.6 MIDPENINSULA REGIONAL OPEN SPACE DISTRICT’S MT. UMUNHUM SUMMIT TOUR
The Commission noted the report.

10.6 INTER-JURISDICTIONAL GIS WORKING GROUP MEETING
The Commission noted the report.
11. **CALAFCO RELATED ACTIVITIES**

11.1 **REPORT ON 2017 CALAFCO CONFERENCE**

Ms. Palacherla congratulated Commissioner Wilson for her election to the CALAFCO Board of Directors. **Acting Chairperson Yeager** expressed appreciation to Commissioner Wilson for representing LAFCO on the CALAFCO Board.

12. **PENDING APPLICATIONS / UPCOMING PROJECTS**

Ms. Palacherla informed that an application for annexation to West Valley Sanitation District would be brought for Commission consideration at the February 2018 meeting.

13. **COMMISSIONER REPORTS**

Commissioner Varela provided a brief report on Santa Clara Valley Water District’s position regarding the California WaterFix project.

14. **NEWSPAPER ARTICLES / NEWSLETTERS**

The Sphere, October 2017.

15. **WRITTEN CORRESPONDENCE**

There was none.

16. **ADJOURN**

The Commission adjourned at 1:46 p.m., to the regular LAFCO meeting on February 7, 2018 at 1:15 p.m., in the Board Meeting Chambers, 70 West Hedding Street, San Jose.

Approved on ________________________.

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Ken Yeager, Vice-Chairperson
Local Agency Formation Commission of Santa Clara County

By: _________________________________
Emmanuel Abello, LAFCO Clerk