



**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY
MEETING MINUTES OF FEBRUARY 1, 2021**

1. WELCOME AND CALL TO ORDER; ROLL CALL

Chair Mohler called the regular meeting of February 1, 2021 to order at 2:02 PM.

At the time of roll call, the following Commissioners and staff were present:

Regular Commissioners	Alternate Commissioners	Staff
Margie Mohler, Chair	Ryan Gregory (left at 3:30)	Brendon Freeman, Executive Officer
Diane Dillon, Vice Chair	Eve Kahn (* <i>Voting</i>)	DeeAnne Gillick, Commission Counsel
Brad Wagenknecht	Beth Painter	Dawn Mittleman Longoria, Analyst II
Mariam Aboudamous		Kathy Mabry, Secretary
<i>Vacant – *Public Member</i>		

2. PLEDGE OF ALLEGIANCE

Chair Mohler invited former Commissioner Scott Sedgley to recite the Pledge of Allegiance.

3. OATH OF OFFICE FOR NEW COMMISSIONERS

Commission Counsel administered Oaths of Office for new Commissioners Mariam Aboudamous (Regular City Member) and Beth Painter (Alternate City Member) separately. Chair Mohler welcomed both Commissioners.

4. APPROVAL OF AGENDA

Chair Mohler asked if there were any requests to rearrange the agenda. There were no requests. Upon motion by Commissioner Dillon and second by Commissioner Wagenknecht, the Commission unanimously adopted the agenda as submitted:

VOTE:

AYES: DILLON, WAGENKNECHT, ABOUDAMOUS, KAHN AND MOHLER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

5. PUBLIC COMMENTS

Public comment was received from American Canyon resident, Kenneth Leary, who welcomed the new Commissioners to LAFCO. Mr. Leary also commented on the lack of ‘island’ information available and what annexation would mean for the public.

Staff noted there is a new page on LAFCO’s website dedicated to Island Annexations, in addition to the Commission’s new Outreach Committee, which is working on information for the public about unincorporated islands. Mr. Leary stated he would contact the Executive Officer and meet with him for further discussion on this topic.

6. RECOGNITION OF SERVICE: Scott Sedgley

Commissioner Sedgley resigned in January 2021 after winning the election for Mayor of the City of Napa. The Commission presented Mr. Sedgley with a plaque of appreciation, and Chair Mohler read a statement recognizing his service. Mr. Sedgley thanked the Commission for the plaque, and shared his appreciation for his time on LAFCO. Each Commissioner shared their personal thoughts and wished him well in the future as he serves the citizens of Napa.

7. CONSENT ITEMS

- a) **Approval of Meeting Minutes:** December 7, 2020 Regular Meeting
- b) **Amendment No. 3 to Legal Services Contract with Sloan Sakai Yeung & Wong LLP**
- c) **Authorize Use of Digital Signatures**

Note: Item #7a staff report was incorrectly labeled as item #5a, however, it should state #7a. Upon motion by Commissioner Wagenknecht and second by Commissioner Dillon, all consent items were approved:

VOTE:

AYES: WAGENKNECHT, DILLON, ABOUDAMOUS, KAHN AND MOHLER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

8. INFORMATION ITEMS

- a) **Current and Future Proposals**
- b) **Second Quarter Budget Report for Fiscal Year 2020-2021**
- c) **CALAFCO Messaging Materials**
- d) **Executive Officer Report**

Receive and file. No action taken.

9. ACTION ITEMS

- a) **Magnolia Drive/State Highway 221 Annexation to the Napa Sanitation District and Associated CEQA Findings**

The Commission considered approving a proposal submitted by landowner petition for annexation of one incorporated parcel totaling approximately 23.1 acres in size to the Napa Sanitation District. The affected territory is located at 100 Magnolia Drive in the City of Napa and identified by the County Assessor as 046-450-054. The annexation will facilitate the planned Napa Valley College Student Housing Project for students and faculty.

The recommended action was for the Commission to adopt a resolution approving the proposal with standard terms and conditions and making CEQA findings.

Staff provided an overview of this item, noting there is a master tax sharing agreement, protest proceedings have been waived, and there is 100% landowner consent.

Commissioner Kahn commented that as a member of the Napa Housing Coalition, they are happy and eager to see this housing project move forward.

Chair Mohler opened the public hearing.

Public comments was received from Napa Valley College Representative/Civil Engineer, Christine Gerske, who stated the project is now in the design phase and construction will begin in the fall 2021.

Chair Mohler closed the public hearing.

Upon motion by Commissioner Kahn and second by Commissioner Dillon, the Commission unanimously adopted the resolution approving the annexation and making CEQA findings

(Resolution No. 2021-01):

VOTE:

AYES: KAHN, DILLON, ABOUDAMOUS, MOHLER AND WAGENKNECHT
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

9. ACTION ITEMS – continued:

b) Devlin Road No. 5 Annexation to the Napa Sanitation District and Associated CEQA Findings

The Commission considered approving a proposal submitted by resolution of application from the Napa Sanitation District for annexation of one unincorporated parcel and the adjacent portion of public right-of-way totaling approximately 24.3 acres in size.

The affected territory is located along Devlin Road, currently has no situs address, and is identified by the County Assessor as 057-020-025.

The annexation is intended to facilitate the planned Nova Business Park Subdivision, although there are currently no approved development plans involving the affected territory.

The recommended action was for the Commission to adopt a resolution approving the proposal with standard terms and conditions and making CEQA findings.

Commissioner Painter recused herself from this item due to financial interests with Nova.

Staff provided an overview of this item, noting there is a master tax sharing agreement, protest proceedings have been waived, and there is 100% landowner consent. In addition, any future development projects must comply with the conditions set forth in the Napa County Airport Industrial Area Specific Plan and Napa Valley Business Park Specific Plan. Chair Mohler opened the public hearing. No public comments were received.

Chair Mohler closed the public hearing.

Upon motion by Commissioner Wagenknecht and second by Commissioner Kahn, the Commission unanimously adopted the resolution approving the annexation and making CEQA findings (**Resolution No. 2021-02**):

VOTE:

AYES:	<u>WAGENKNECHT, KAHN, ABOUDAMOUS, DILLON AND MOHLER</u>
NOES:	<u>NONE</u>
ABSENT:	<u>NONE</u>
ABSTAIN:	<u>PAINTER</u>

c) Proposed Policy on Spheres of Influence

The Commission considered a draft *Policy on Spheres of Influence* prepared by a technical working group consisting of staff from the local municipalities. It was recommended the Commission adopt a resolution adopting the *Policy on Spheres of Influence* and concurrently delete Section III of the *General Policy Determinations*.

Staff provided an overview, background and summary of the third version of the proposed draft *Policy on Spheres of Influence* (SOI).

Chair Mohler opened the public hearing.

Commissioner Kahn commented that “underdeveloped” implies there needs to be development on the land, and cited several definitions of vacant land, i.e. previous building now torn down and/or buildings that were burned in a fire, and suggested LAFCO be careful about how it defines “vacant”, and also suggested taking out the word “underdeveloped” in the proposed policy.

Staff read a letter written by the Napa Valley Horsemen’s Association regarding their property on Foster Road and the City of Napa’s Sphere of Influence. Staff provided the Commission with a copy of the letter prior to the meeting.

See next page for public comments.

9. ACTION ITEMS – continued:
c) Proposed Policy on Spheres of Influence – continued:

Public comments were received from the following:

- David Morrison, Napa County Planning Director, told the Commission that the County could support the policy if it changes “natural working lands” to “ag and open space lands”. He also pointed out that “vacant” is defined, but “underdeveloped” land is not, and discussed specific criteria for determining SOI.
- Gary Orton, representing Napa County Progressive Alliance addressed the Commission about unincorporated islands, claiming the City of Napa snubbed the islands while LAFCO provided excellent information and meetings. LAFCO proposed a streamlined island annexation process and Progressive Alliance supported it. Mr. Orton suggested the SOI policy needs more tools for cities that have willfully ignored island annexation, and he suggested that LAFCO impose a moratorium on annexations until at least the two largest islands are annexed.
- Jeff Redding, representing the Napa Valley Horsemen’s Association thanked the Commission for reading the submitted letter. He stated that although the policies have the best of intentions, they have yet to be vetted in the public arena, and so it seems a bit immature to make changes without the public’s comments. On behalf of the Horsemen’s Association, he asked for this agenda item to be continued noting the City of Napa is updating its General Plan, and LAFCO’s MSR/SOI for Napa is coming, so wait to first gain insights into how Napa’s General Plan update may impact the Horsemen’s Association property and its desire to stay under County jurisdiction.
- Brent Cooper, City of American Canyon’s Community Development Director commented on how American Canyon and the County could bring a consensus plan for all annexations.
- Commissioner Dillon shared suggested edits, including keeping the definitions in the *General Policy Determination* for consistency and eliminate redundancy throughout policies.
- Commissioner Wagenknecht suggested incorporating the public comments in the policy.

Chair Mohler closed the public hearing.

Agenda item #9c was continued until the next meeting.

Due to numerous suggestions to revise some of the definitions in the proposed policy, the Commission recommended returning the draft to the Policy Committee (consisting of Commissioners Mohler and Wagenknecht) for further review, and directed staff send out a notice of public review and comment for a period of 60 days, then return with a revised draft *Policy on Spheres of Influence* to be presented at the June 7, 2021 meeting.

9. ACTION ITEMS – continued:

d) Strategic Plan and Work Program Progress Report

The Commission received a report on its *Strategic Plan 2018-2022* and *Work Program 2020-2021*. Staff recommends combining into one report the sphere of influence (SOI) updates for all of the special districts that were included in the *Napa Countywide Water and Wastewater Municipal Service Review*. The recommended action is for the Commission to provide direction to the Executive Officer with respect to: (1) the proposed combining of SOI updates or any other desired changes to current and future work activities; and (2) possible scheduling of a future strategic planning session.

Staff reviewed the strategic plan adopted for 2018-2022. A big piece of the plan focused on Napa LAFCO, as well as a review of current policies, work program, public outreach and vacancy on the Outreach Committee, a future Strategic Plan and more.

A current year plan for agency activities and a progress chart were included in the staff report. Staff noted that in December, the Commission directed staff to come back in April with an appointment for the Public Member position, followed by an appointment to the Outreach Committee.

Discussion was held regarding a current time extension for the City of St. Helena’s Municipal Service Review (MSR) following their General Plan Update. Staff stated it would contact City staff to see if they are now ready to proceed with preparing the City’s MSR.

The Commission agreed with staff’s recommendation to combine into one report the sphere of influence (SOI) updates for all of the special districts included in the *Napa Countywide Water and Wastewater Municipal Service Review*.

Staff suggested the Commission establish an Ad Hoc committee for the next Strategic Plan, however, the Commissioner agreed to wait on strategic planning until the committee members are able to meet in person. No vote was taken.

e) Ratification of an Outside Sewer Service Agreement Involving the Napa Sanitation District and 1118 Wine Country Avenue and Associated CEQA Findings

The Commission ratified an outside service agreement (OSA) approved by the Executive Officer authorizing the Napa Sanitation District (NSD) to provide new public sewer service to an incorporated property located in the City of Napa at 1118 Wine Country Avenue (APN 035-511-014) to address a public health threat. The County of Napa’s Environmental Health Division confirmed the sewage disposal system serving the property has failed and recommended the residence be connected to NSD’s public sewer system as soon as possible. The outside service agreement is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(4) and CEQA Guidelines Section 15282(k).

Staff provided an overview of this agenda item, noting a condition of an OSA is that the land owner must annex the property within one year, which satisfies the statutory requirement.

Chair Mohler opened the public hearing. No public comments were received.

Chair Mohler closed the public hearing.

Upon motion by Commissioner Dillon and second by Commissioner Kahn, the Commission ratified the outside service agreement and adopted a resolution ratifying the Executive Officer’s earlier approval of the OSA and making CEQA findings (**Resolution No. 2021-03**):

VOTE:

AYES: **DILLON, KAHN, ABOUDAMOUS AND MOHLER**
NOES: **NONE**
ABSENT: **WAGENKNECHT**
ABSTAIN: **NONE**

10. COMMISSIONER COMMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

There was no discussion of this item.

11. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING

The meeting was adjourned at 4:10 PM. The next regular LAFCO meeting is scheduled for Monday, April 5, 2021, at 2:00 PM. **It is anticipated the meeting will be conducted by teleconference due to COVID-19 in compliance with Executive Order N-29-20.**

Margie Mohler

Margie Mohler (May 12, 2021 13:47 PDT)

Margie Mohler, LAFCO Chair

ATTEST:

Dawn Mittleman Longoria, Analyst II

Prepared by:

K. Mabry

Kathy Mabry, Commission Secretary

Minutes_2-1-21

Final Audit Report

2021-05-12

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