



LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY

SPECIAL MEETING MINUTES OF DECEMBER 7, 2009

**Location: American Canyon City Hall
4381 Broadway Street, Council Chambers
American Canyon, California 94503**

1. **CALL TO ORDER; ROLL CALL**

Chair Kelly called the meeting to order at 2:00 p.m. at the American Canyon City Hall.

Roll was called with Regular Commissioners Chilton, Dodd, Inman, Wagenknecht and Chair Kelly present. Alternate Commissioners Bennett, Luce and Rodeno were also present.

Staff present: Keene Simonds, Executive Officer; Jackie Gong, Commission Counsel; Brendon Freeman, Analyst; and Kathy Mabry, Commission Secretary.

2. **PLEDGE OF ALLEGIANCE**

Guest speaker, CALAFCO Executive Director Bill Chiat, led the salute to the flag.

3. **APPROVAL OF MINUTES: Minutes of October 5, 2009 Meeting**

The Commission was presented with minutes from the October 5, 2009 meeting for approval. Upon motion by Commissioner Dodd and second by Commissioner Inman, the minutes were approved.

4. **PUBLIC COMMENT**

Chair Kelly invited members of the audience to provide public comment. No comments were received.

5. **COMMISSION WORKSHOP**

a) **Workshop Introduction**

Staff provided an overview of the bi-annual workshop which explores topics of interests and goals & objectives of the Commission, as well as the Commission's planning and regulatory responsibilities under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Chair Kelly provided a welcome to the attendees and guests of the workshop.

b) **Statewide LAFCO Themes and Trends**

Staff introduced CALAFCO Executive Director Bill Chiat. The Commission received a presentation from Mr. Chiat relating to current and emerging statewide themes and trends among LAFCOs. A hand-out regarding CALAFCO policies on the horizon was provided and discussed at length. Mr. Chiat also reminded the Commission of the next CALAFCO conference to be held in Palm Springs, CA in October 2010 and hosted by Riverside LAFCO. Napa LAFCO will host the 2011 conference.

5. COMMISSION WORKSHOP – continued:

c) Island Annexation Program

Staff provided the Commission with a presentation outlining a proposed island annexation program to eliminate unincorporated areas entirely or substantially surrounded by City of Napa. Commissioners expressed interest in taking a measured approach to implementing an island program given constraints on existing resources. Commissioner Luce cautioned against expanding the definition of substantially surrounded. Commissioner Rodeno suggested staff focus its initial efforts just on outreaching to islands entirely surrounded by the City. Commissioner Inman suggested economizing staff resources by grouping similar islands together with respect to coordinating community meetings. Staff reported to the Commission it would select a few entirely surrounded islands and report back at a future meeting with respect to possible interest from affected residents and landowners.

d) Proposal Review Factors and Imposing Terms and Conditions and

e) Goals and Objectives

Upon motion by Commissioner Inman and second by Commissioner Chilton, the Commission agreed to continue 5d and 5e to the next regular meeting.

6. CONSENT ITEMS

a) Approval of Meeting Calendar for First Half of 2010

The Commission approved a meeting calendar for the first six months of 2010 to include February 1st, April 5th, May 3rd, and June 7th.

b) Amendment to Adopted Fee Schedule

The Commission approved a draft amendment to its adopted fee schedule to reflect new filing fees associated with filing notices of determination with the Department of Fish and Game for lead agencies under the California Environmental Quality Act. The new fees will be passed on directly to applicants as needed. Accordingly, there is no new impact on the Commission.

c) Expiring Commissioner Terms in 2010

The Commission identified the Commissioner terms scheduled to expire in 2010. Two members with terms scheduled to expire on May 3, 2010 are Brian J. Kelly and Bill Dodd. Agenda Item No. 8d discusses the Commission's options with respect to the public member appointment process involving the seat currently filled by Commissioner Kelly. Staff will notify and request the Board of Supervisors make a new four-year appointment involving the county seat currently filled by Commissioner Dodd.

d) Designation of Chair and Vice-Chair for 2010

The Commission received a report regarding the designation of the Chair and Vice-Chair for the 2010 calendar year. The Commission's adopted policy designates Commissioners Inman and Dodd as Chair and Vice-Chair, respectively. The Commission appointed Commissioners Inman and Dodd as Chair and Vice-Chair, respectively, beginning January 1, 2010.

Upon motion by Commissioner Dodd and second by Commissioner Luce, the consent calendar items were approved.

7. PUBLIC HEARING ITEMS

a) Ratification of an Outside Service Agreement Approval for the Napa Sanitation District Involving 4220 Jefferson Street in the City of Napa

Chair Kelly opened the public hearing. No comments were received. Chair Kelly closed the public hearing. The Commission considered ratifying an outside service agreement approved by the Chair authorizing the Napa Sanitation District to provide public sewer service to 4220 Jefferson Street in Napa to address a public health threat. Staff recommended ratification approval along with waiving the application fee.

Upon motion by Commissioner Dodd and second by Commissioner Inman, the Commission approved the ratification of the Outside Service Agreement for the Napa Sanitation District involving 4220 Jefferson Street in the City of Napa and waiver of application fee.

8. ACTION ITEMS

a) Trancas Crossing Park Annexation to the City of Napa

The Commission considered a proposal from the City of Napa to annex 33.3 acres of unincorporated land located immediately northeast of the intersection of Old Soscol Avenue and Old Trancas Street. The proposal is intended to facilitate the planned development of a public park. Modifications to the proposal were recommended to exclude a 0.2 acre portion of the affected territory along with requiring concurrent detachment from County Service Area No. 4. Staff also recommended conditioning approval to require Napa reach an agreement with neighboring landowners on the construction of an extended fence to help protect agricultural uses. The proposed condition included a provision allowing Napa to request a waiver if good-faith negotiations are unsuccessful. Chair invited audience members to provide comments on the proposal. Napa Assistant City Attorney Peter Spoerl addressed the Commission and expressed concern regarding staff's proposed condition noting it exceeded LAFCO's authority and ignored an existing settlement agreement between the City and the affected landowners. Steve Brown, landowner at 2100 Big Ranch Road, commented that, among other things, an extended fence is needed to protect against park visitors trespassing onto his commercial vineyard. Mr. Brown also commented that he has already experienced damage to his property as a result of the City purchasing the affected territory in 2005, and in particular reference a recent fire that originated on the City-owned land. Jeff Moore, representing the landowner of 600 Trancas Street, expressed concern regarding the annexations impact on two easements his company holds within the affected territory. City of Napa Parks and Recreation Director Larry Mazzuca briefly summarized the key aspects associated with the proposed park project and addressed technical issues raised by audience members. Chair Kelly returned the item for Commission discussion noting staff has asked for a continuance. Commissioner Luce asked staff to return with analysis regarding the potential creation of an island immediately west of the affected territory. Commissioner Luce also questioned whether the proposed annexation is orderly. Commissioner Chilton questioned whether the precedent established in annexing Alston Park to Napa is appropriate to follow. Commissioner Dodd expressed appreciation for balancing public uses and private property rights. Commissioner Inman asked staff to review whether the special condition recommended by staff would create an unnecessary burden on Napa. Commissioner Rodeno requested staff provide additional analysis regarding Napa's fiscal and service capacities relative to assuming the annexation. Chair Kelly asked staff if they would have enough time to provide supplemental information by the February 2010 meeting, and staff responded affirmatively. Upon motion by Commissioner Inman and second by Commissioner Luce, the Commission agreed to continue this item to the next meeting scheduled for February 1, 2010.

8. ACTION ITEMS – continued:

b) Comments on the County of Napa’s Draft Environmental Impact Report on Napa Pipe

The Commission reviewed a draft letter prepared by staff commenting on the County of Napa’s Draft Environmental Impact Report on Napa Pipe. Staff discussed the draft letter, as well as the legalities and statutory responsibilities of the Commission surrounding its role in commenting on the project. Commissioner Luce requested the letter be amended to be neutral with respect to commenting on whether a special district or a private entity would be the preferred alternative with regard to providing municipal service to the project until further analysis is prepared. Commissioner Rodeno also requested the letter be amended to inquire as to what, if any, development plans exist with the surrounding unincorporated properties to the north of the project site for purposes of considering regional planning consistency. Upon motion by Commissioner Luce (*voting for Wagenknecht*) and second by Commissioner Dodd, the Commission authorized the Chair to sign the prepared letter with the requested changes.

c) Appointments to the 2010-2011 Budget Committee

The Commission considered appointing two members to serve with the Executive Officer on the 2010-2011 Budget Committee.

Upon motion by Commissioner Dodd and second by Commissioner Inman, the Commission appointed Commissioner Lewis and Chair Kelly to serve on the budget committee.

d) Notice of Expiring Term: Regular Public Member

The city and county members provided direction to staff with respect to addressing the impending expiring term of the regular public member position, held by Chair Kelly. Commissioner Inman asked and Chair Kelly responded that he would like to continue serving on LAFCO.

Upon motion by Commissioner Dodd and second by Commissioner Inman, staff was directed to schedule a future hearing date for the reappointment of the incumbent regular public member, Brian Kelly, which is consistent with the procedures identified in Section 1(b) of the *Policy on the Appointment of a Public Member and Alternate Public Member*.

9. DISCUSSION ITEMS

a) Report from 2009 CALAFCO Annual Conference

The Commission received a verbal report from staff and commissioners on issues discussed at the 2009 Annual Conference of the California Association of Local Agency Formation Commissions, which was held in Yosemite in October. Most notably, the Commission was presented with the “*Most Effective Commission*” plaque given by CALAFCO at this year’s conference.

b) Current and Future Proposals

The Commission received a report regarding current and future proposals. Staff provided a summary of the active proposals for informational purposes. Chair Kelly requested that, in the future, staff provide the Commission with a time-line of proposals.

10. EXECUTIVE OFFICER REPORT

The Commission received a verbal report regarding current staff activities, communications, studies, and special projects, including:

- Legislative Update
- City of American Canyon Sphere of Influence Update
- Lake Berryessa Region Municipal Service Review

11. CLOSED SESSION

a) Public Employee Performance Evaluation

Title: Executive Officer

There was no reportable action taken.

12. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS

There was no discussion on this item.

13. ADJOURNMENT TO NEXT REGULAR SCHEDULED MEETING:

The meeting was adjourned at 5:17 p.m. The next regular LAFCO meeting is scheduled for Monday, February 1, 2010 at 4:00 p.m.

Brian J. Kelly, Chair

ATTEST: Keene Simonds
Executive Officer

Prepared by:

Kathy Mabry
Commission Secretary