



# Local Agency Formation Commission

## LAFCO of Napa County

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**August 2, 2010**  
**Agenda Item No. 3 (Minutes)**

July 27, 2010

**TO:** Local Agency Formation Commission

**FROM:** Keene Simonds, Executive Officer  
Kathy Mabry, Commission Secretary

**SUBJECT: Meeting Minutes for June 7, 2010**

The Commission will consider approving meeting minutes for the June 7, 2010 meeting. It is also requested the Commission clarify its intent in conditioning its approval of the inclusion of certain territory into the City of American Canyon's sphere of influence.

### A. Background/Discussion

Staff has prepared the attached meeting minutes for June 7, 2010 for Commission review and approval. Staff is also seeking clarification regarding the Commission's action to update the City of American Canyon's sphere of influence to include certain lands identified in the corresponding report from staff as Study Area A as part of Item 6a. These lands comprise 293 acres and include three properties commonly referred to as "Atkins," "Headwaters," and "Panattoni." The record is clear with respect to the Commission updating the sphere to conditionally include Study Area A on American Canyon first recording industrial easements for the lands as set forth in a 2008 agreement between the City and County before August 2, 2010. The record, however, is not clear with regards to the Commission's intent in applying the condition. Specifically, clarification is needed to determine whether it was the intent of the Commission to:

- (a) allow Study Area A to be added to the sphere if industrial easements have been recorded for all of the affected properties by the deadline; or
- (b) allow only those affected lands in Study Area A with recorded industrial easements by the deadline to be added to the sphere.

Commission clarification on the preceding matter will, among other issues, help guide the agency's consideration of the proposed annexation of the affected lands, which have been agendized today as part of Item 7a. Significantly, if the Commission clarifies its intent was (a), industrial easements for all of the affected lands within Study Area A will need to be recorded prior to the meeting for the agency to consider the annexation. Conversely, if the Commission clarifies its intent was (b), the agency can proceed with considering the annexation for any of the properties in which industrial easements have been recorded prior to the meeting.

Juliana Inman, Vice Chair  
Councilmember, City of Napa

Lewis Chilton, Commissioner  
Councilmember, Town of Yountville

Joan Bennett, Alternate Commissioner  
Councilmember, City of American Canyon

Bill Dodd, Commissioner  
County of Napa Supervisor, 4th District

Brad Wagenknecht, Commissioner  
County of Napa Supervisor, 1st District

Mark Luce, Alternate Commissioner  
County of Napa Supervisor, 2nd District

Brian J. Kelly, Chair  
Representative of the General Public

Gregory Rodeno, Alternate Commissioner  
Representative of the General Public

Keene Simonds  
Executive Officer

**B. Recommendation**

Staff recommends the Commission approve the attached draft meeting minutes for June 7, 2010 with any corrections. Staff also requests the Commission clarify its intent in applying the condition discussed in the preceding section involving Study Area A.

Respectfully submitted,

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Keene Simonds  
Executive Officer

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Kathy Mabry  
Commission Secretary

Attachment:

- 1) Draft Meeting Minutes for June 7, 2010

**LOCAL AGENCY FORMATION COMMISSION OF NAPA COUNTY**

**DRAFT SUMMARY MEETING MINUTES**

**JUNE 7, 2010**

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

Chair Inman called the regular meeting of June 7, 2010 to order at 4:03 P.M. At the time of roll call, the following Commissioners and staff were present:

<u>Regular Commissioners</u>	<u>Alternate Commissioners</u>	<u>Staff</u>
Juliana Inman, Chair	Joan Bennett	Keene Simonds, Executive Officer
Lewis Chilton	Mark Luce ( <i>Voting</i> )	Jackie Gong, Commission Counsel
Brian J. Kelly	Gregory Rodeno	Brendon Freeman, Analyst
Brad Wagenknecht		Kathy Mabry, Secretary

Commissioner Dodd was excused.

**2. PLEDGE OF ALLEGIANCE**

American Canyon Councilmember Ed West led the Pledge of Allegiance.

**3. APPROVAL OF AGENDA**

Approved as presented.

**4. PUBLIC COMMENT**

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

**5. CONSENT ITEMS**

**a) Abandonment of Borrette Lane No. 8 Annexation to the Napa Sanitation District**

The Commission received a report confirming the conditions associated with the Borrette Lane No. 8 Annexation to the Napa Sanitation District proposal had not been satisfied. The applicant's failure to satisfy the outstanding conditions or request a time extension by the one-year deadline has caused the proposal to be abandoned in accordance with Government Code Section 57001.

**b) Approval of Regular Meeting Calendar for Second Half of 2010**

The Commission received a report considering approval of a regular meeting calendar for the last six months of 2010. Proposed dates include August 2<sup>nd</sup>, October 4<sup>th</sup> and December 6<sup>th</sup>.

**c) Authorization to Approve Audit Expenditure**

The Commission received a report considering authorization by the Chair to enter into an agreement with Gallina LLP for the preparation of an audit for the 2009-2010 fiscal year at a cost of \$4,725.

**d) Meeting Minutes for May 3, 2010**

The Commission was presented with draft minutes from the May 3, 2010 meeting for approval.

**e) Current and Future Proposals**

The Commission received a report summarizing current and future proposals to receive and file.

Upon motion by Commissioner Wagenknecht and second by Commissioner Chilton, the consent items were unanimously approved or filed as recommended.

## 6. PUBLIC HEARING ITEMS

### a) Sphere of Influence Update on the City of American Canyon: Continuation

The Commission continued a public hearing on its scheduled sphere of influence update on the City of American Canyon. Staff summarized the revised final report's recommendation to add four distinct areas to the sphere of influence identified as Study Areas A, D, F, and the portion of E designated and zoned by American Canyon as Town Center. Staff noted the revised final report incorporated additional information provided by American Canyon regarding land use and service planning for the Town Center portion. Staff stated the additional information provided by American Canyon along with written comments received by the County merited the Commission making a special exception to its policies and practices in adding the Town Center portion of Study Area E to the sphere of influence.

The Chair invited initial questions or comments from the Commission. Commissioner Wagenknecht suggested the Policy Committee consider identifying key local conditions in determining when the conversion of agricultural resources are appropriate, including adopted urban limit lines. Commissioner Luce commented Study Area F should be excluded from American Canyon's sphere of influence given the lands lie outside the City's urban limit line and were not contemplated for annexation as part of an agreement between the County and City. Commissioner Chilton stated adding Study Area F to the sphere of influence would avoid creating an unincorporated pocket or island.

Chair Inman returned to the public hearing and asked any members of the audience to provide their comments. The following comments were received.

- Keith Caldwell, County Supervisor, provided an overview of an agreement between the County and American Canyon supporting the addition of the Town Center portion of Study Area E. Supervisor Caldwell added it would be good government for the Commission to support the agreement between the County and American Canyon and noted it would help direct new housing demands away from unincorporated areas.
- Ed West, American Canyon Councilmember, commented on the improved working relationship between the County and American Canyon.
- Brent Cooper, American Canyon Community Development Director, commented American Canyon supports the recommendations in the revised final report to add Study Areas A, D and the Town Center portion of E. Mr. Cooper commented that American Canyon would defer to the Commission on whether to add Study Area F. Mr. Cooper requested the Commission condition its approval in adding Study Area A to require American Canyon first record industrial easements for the affected lands as required under its agreement with the County.
- Conner Massey, consultant representing landowner Pamela Smith, submitted a letter withdrawing Ms. Smith's previous opposition to adding the Town Center portion of Study Area E.
- Larry Florin, County Community Intergovernmental Affairs Director, stated the County supports the Commission taking action today to add Study Areas D and the Town Center portion of E to American Canyon's sphere of influence. Mr. Florin noted the County's support for adding Study Area A is contingent on American Canyon recording industrial easements on the affected lands. Mr. Florin noted the easements have not been recorded and therefore the County requests the Commission defer consideration of Study Area A. Mr. Florin also referenced Commission Luce's earlier comments in restating the County's opposition to adding Study Area F.

## **PUBLIC HEARING ITEMS CONTINUED...**

### **a) Sphere of Influence Update on the City of American Canyon: Continuation**

- Doug Pope, partner representing landowner Headwaters, Inc., stated they have no problems with signing the industrial easements and supports the addition of the property to American Canyon's sphere of influence.
- William Ross, American Canyon City Attorney, reiterated American Canyon's support for the recommendations included in the revised final report. Mr. Ross also provided additional information in support of finding the proposed sphere of influence update qualifies for the common sense exemption under the California Environmental Quality Act.
- David Gilbreth, attorney representative landowner Ed Biggs, commented it would be appropriate to expand staff's recommendation to also include the portion of Study Area E designated and zoned by American Canyon as Special Study.

Chair Inman closed the public hearing and invited comments and direction from the Commission.

- Commissioner Luce stated it would be appropriate for the Commission to support the expansion of American Canyon's sphere of influence as recommended by staff with the exception of excluding Study Area F. Commissioner Luce added he was interested in moving forward today with Study Area A with the condition American Canyon record the industrial easements.
- Commissioner Wagenknecht stated he was comfortable with Commissioner Luce's approach.
- Commissioner Kelly stated he supported moving forward with Commissioner's Luce approach while asking the City and County to discuss Study Area F.
- Commissioner Chilton stated he supported conditioning the inclusion of Study Area A on the recording of industrial easements. Commissioner Chilton also stated excluding the Special Study portion of Study Area E is appropriate given the lack of land use information. Commissioner Chilton also reiterated his support for adding Study Area F.
- Chair Inman stated she supported adding Study Area F to American Canyon's sphere of influence for the reasons outlined in the revised final report.
- Commissioner Wagenknecht motioned and Commissioner Kelly seconded adopting the draft resolution to add Study Area A to American Canyon's sphere of influence as revised to condition approval on the execution and recording of industrial easements as set forth in the August 2008 agreement between the City and County. The motion included setting the deadline for recording the industrial easements by August 2, 2010. The motion was unanimously approved by the Commission. **(LAFCO Resolution No. 10-13)**
- Commissioner Chilton motioned and Commissioner Wagenknecht seconded adopting the draft resolution to add Study Area D to American Canyon's sphere of influence. The motion was unanimously approved by the Commission. **(LAFCO Resolution No. 10-14)**
- Commissioner Wagenknecht motioned and Commissioner Kelly seconded adopting the draft resolution updating American Canyon's sphere of influence to include the Town Center portion of Study Area E. The motion was unanimously approved by the Commission. **(LAFCO Resolution No. 10-15)**

**b) Adoption of a Final Budget for Fiscal Year 2010-2011**

On behalf of the Budget Committee, staff summarized the recommended final budget for 2010-2011 totaling \$413,480 in operating costs. Staff noted the recommended final budgeted would reduce operating expenses over the current fiscal year by nearly one-fifth and was nearly identical to the proposed budget adopted by the Commission in April. Staff added the recommended final budget incorporates several key structural changes to the budget process, including the elimination of apportioning annual reserves and contingencies in favor of maintaining three months of operating reserves in the fund balance.

Chair Inman opened the public hearing. No comments were received. Chair Inman closed the public hearing. Commissioner Kelly motioned and Commissioner Chilton seconded adopting the draft resolution approving the final budget as recommended. The motion was unanimously approved by the Commission. (**Resolution No. 10-16**)

**7. ACTION ITEMS**

**a) Amendments to Adopted Study Schedule**

Staff summarized the current progress on completing the Commission's adopted study schedule calendaring municipal service reviews and sphere of influence updates for the 2008/09-2012/13 period. Staff reported the Commission is approximately one full year behind on the study schedule primarily due to delays in information collection. Staff recommended the Commission make several amendments to the study schedule to reflect the current status as well as economize resources going forward. The proposed amendments include extending the study schedule to 2013/14 and consolidating the reviews and updates on the three north valley cities into one study. Commissioner Kelly commented holding more meetings would not help expedite the study schedule given the bulk of the work involves staff preparing the actual studies. Commissioner Chilton cautioned consolidating the three north valley cities into one review may not necessarily save time, but would help focus on regional service issues.

Commissioner Luce motioned and Commissioner Kelly seconded amending the study scheduled as recommended. The motion was unanimously approved by the Commission.

**b) Proposal to Establish Voting Regions within CALAFCO**

Staff summarized a proposal by the California Association of Local Agency Formation Commissions to establish four voting regions for purposes of electing directors. Staff recommended the Commission support the proposal due to extenuating circumstances. Chair Inman noted the original proposal by CALAFCO to restructure appeared to be more aimed at facilitating regional planning while the current proposal is limited to addressing how directors are elected.

Commission Luce motioned and Commissioner Chilton seconded approving the proposal. The motion was unanimously approved by the Commission.

**8. DISCUSSION ITEMS**

**a) Legislative Report**

Staff provided the Commission with a report regarding the status report on the second year of the 2009-2010 session of the California Legislature relating to bills directly or indirectly effecting Local Agency Formation Commissions. No comments were received.

**9. EXECUTIVE OFFICER REPORT**

The Executive Officer reported the following:

- Ad Hoc Committee on Policies and Procedures had its initial meeting earlier in the day and is tentatively scheduled to meet before each regular Commission meeting.

**10. COMMISSIONER COMMENTS; REQUEST FOR FUTURE AGENDA ITEMS**

A brief discussion was held regarding the October 4<sup>th</sup> Commission meeting, which will be followed by the annual CALAFCO conference held in Palm Spring, CA from October 6-8<sup>th</sup>.

**11. ADJOURNMENT**

The meeting was adjourned at 5:22 p.m.

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Juliana Inman, Chair

ATTEST: Keene Simonds  
Executive Officer

Prepared by:

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Kathy Mabry  
Commission Secretary