

MINUTES OF THE MEETING OF AUGUST 3, 2005

The Sacramento Local Agency Formation Commission met this third day of August, 2005, at 5:30 P.M. in Board Chambers, Sacramento County Administration Center, 700 H Street, Sacramento, California.

PRESENT: Robert King Fong, Chair; Commissioners Christopher Tooker, Charles Rose, Elliot Mulberg, Susan Peters, Illa Collin and Sophia Scherman. Alternate Commissioners John Jachens and Gay Jones.
Absent: None.

STAFF: Peter Brundage, Executive Officer; Donald J. Lockhart, Assistant Executive Officer; Nancy Miller, Commission Counsel; Marilyn Ann Flemmer, Commission Clerk.

CONSENT CALENDAR

The Chair called the meeting to order at 5:36 P.M.; Commissioner Peters led the Pledge of Allegiance; the Clerk called the roll. The Chair announced that Agenda Item 7, Phil Carter, Consultant, City of Elk Grove, Swainson's Hawk Habitat Update, would be continued. On a motion made by Commissioner Rose, seconded by Collin, the Minutes of the Meeting of June 1, 2005 and Claims dated July 29, 2005, were unanimously approved.

GUM RANCH ANNEXATION TO FAIR OAKS WATER DISTRICT (04-05) **[CEQA: Negative Declaration Addendum]**

Donald Lockhart reviewed the staff report and recommended approval of the proposal. On a motion made by Commissioner Tooker, seconded by Commissioner Peters, the Gum Ranch Annexation to Fair Oaks Water District was unanimously approved.

CITY OF ELK GROVE DETACHMENT **FROM COUNTY SERVICE AREA NO. 1 (06-05)** **[CEQA: Exemption]**

Donald Lockhart reviewed the staff report and recommend approval of the proposed detachment. There was Commission discussion. Staff answered questions from the Commission. Commission Counsel responded to a question stating "Our policies have general findings that a single agency is better able to provide service because they are closer to the people. Our general policy is not one that states the Commission must make a finding for maximum service provision." Commissioner Mulberg stated the opinion that the Municipal Service Review for this project is totally inadequate. "It does not specify how Elk Grove will provide the service," stated Commissioner Mulberg. There was additional discussion.

Mr. Robert Waste, Waste & Associates, Consultant to City of Elk Grove, addressed the Commission. Mr. Waste stated, "The City of Elk Grove has a contract with a firm that has the ability to do this job. The private firm takes care of more street lights than P.G. & E. This is their business."

Motion to Approve Detachment from CSA No. 1

There was additional Commission discussion. Commissioner Scherman moved approval of the Detachment of the City of Elk Grove from County Service Area No. 1. Commissioner Tooker seconded the motion. Commissioner Mulberg amended the motion by including the conditions that the City of Elk Grove will either hire additional employees or enter into a contract for this service. There was no second. Commissioner Scherman stated she would not amend her motion. Commissioner Mulberg stated, "I want to be sure that the City of Elk Grove actually has the employees to do the job." Mr. Waste responded that the City has a contract with a firm that has the ability to provide the service. The Clerk called the vote. Commissioner Scherman's motion to approve the Detachment of the City of Elk Grove from County Service Area No. 1 without condition was passed. [Commissioner Mulberg voted no.]

ST. PAUL'S MISSIONARY BAPTIST CHURCH
CONTRACT FOR SEWER SERVICE (08-05)
[CEQA: Exemption]

Donald Lockhart reviewed the staff report and recommended Commission approval of a contract for sewer service between St. Paul's Missionary Baptist Church and the City of Sacramento. Mr. Lockhart stated that a gas line below the 14th Avenue roadway has created difficulty in connecting this unincorporated property to a County Sanitation District No. 1 collection line. The City of Sacramento is able and willing to serve; County Sanitation District No. 1 does not object. On a motion to approve the out of service area contract for the St. Paul's Missionary Baptist Church, made by Commissioner Tooker, seconded by Commissioner Scherman, the motion was unanimously passed.

SAMRA CONTRACT FOR SEWER SERVICE (07-03)
[CEQA: Exempt]

The Assistant Executive Officer reviewed the staff report citing the complex history of the location; he recommended the Commission dismiss Mr. Samra's request for sewer service by contract with County Sanitation District No. 1 and Sacramento Regional County Sanitation District. Mr. Lockhart outlined the options Mr. Samra has available to him.

Motion to Dismiss Request

On a motion made by Commissioner Rose, seconded by Commissioner Scherman, the Commission dismissed Mr. Samra's request to contract for sewer service with Sacramento Regional County Sanitation District and County Sanitation District No. 1.

**CITY OF SACRAMENTO REQUEST FOR WAIVER OF
LAFCO POLICIES FOR PROPOSED SPHERE OF INFLUENCE AMENDMENT
AND PROPOSED ANNEXATION OF GREENBRIAR FARMS DEVELOPMENT**

The Executive Officer reviewed his staff report requesting that the Commission authorize him to enter into a Memorandum of Understanding with the City of Sacramento for the development of an Environmental Impact Report which would address the City of Sacramento's requirements as well as LAFCo's requirements for a Sphere of Influence Amendment and Annexation of the Greenbriar Farms site. Mr. Brundage stated that of the three requests for Commission conditions for entering into a Memorandum of Understanding, he wished to drop condition no. 1 of his Memorandum to the Commission dated August 3, 2005.¹ "We will address that concept at a later time. It should not be included in this report," stated Mr. Brundage.

The Executive Officer then described his request for a Memorandum of Understanding in which the City of Sacramento and LAFCo share a CEQA co-lead status, that LAFCo certifies the document prior to the City's consideration, and that the City reissue a Notice of Preparation stating LAFCo is co-lead agency for the project. There was Commission discussion; Mr. Brundage answered Commission questions.

Mr. Robert Thomas, City Manager, City of Sacramento, then addressed the Commission. Mr. Thomas stated he believes the process outlined by Mr. Brundage streamlines and simplifies the process. Mr. Thomas briefly described the proposed Greenbriar project stating, " it is a logical annexation to the City of Sacramento."

Mr. Robert Chason, Chief Executive Officer, University of California, Davis, Medical Center, addressed the Commission. Mr. Chason read his letter regarding the project dated July 21, 2005 to Mr. Robert Thomas into the record. Mr. Chason stated his support for the Greenbriar Project and further stated that the developers have pledged to set aside substantial proceeds from the project to benefit a number of charities in Sacramento, including the University of California, Davis, School of Medicine.

Ms. Lauren Hammond, Councilwoman, City of Sacramento, addressed the Commission. Ms. Hammond stated "her excitement and support for the Greenbriar project and the developer's contribution to U.C.D. School of Medicine and the effect that investment will

¹ "If the City Council adopts a Resolution stating its assurance that no other application for a SOI Amendment and Annexation proposal within the Natomas Joint Vision Area north of Elkhorn Boulevard will be submitted to LAFCo prior to completion of the Natomas Joint Vision Area Sphere of Influence Amendment; and"

produce in District No. 5." Ms. Hammond concluded stating, "This is the best possible way to get back urban development."

Mr. Richard Green, Stockton Boulevard Partnership, addressed the Commission. Mr. Green stated he represents 650 businesses in the City of Sacramento's District 5. "They support the Greenbriar project and are grateful because UCD Medical School will create the resources to help revitalize the area."

Dr. Beverly Scott, General Manager and Executive Officer, Sacramento Regional Transit District, addressed the Commission. Dr. Scott explained that the timing of land use decisions weigh heavily on the light rail extension. She explained the importance of submitting applications for light rail extension in a timely fashion. "Fifty percent of the project justification for rail projects is based on land use criteria," stated Dr. Scott. Dr. Scott concluded stating, "the most important element of the Greenbriar project is that it tries to create a transit friendly environment. The District will apply to the Federal Transportation Agency for a full funding agreement to extend light rail transit to Sacramento International Airport."

Mr. Mike McKeever, Executive Director Sacramento Area Council of Governments, addressed the Commission. Mr. McKeever spoke about growth as projected in the SACOG Blueprint for development through 2050. Greenbriar "is within the footprint as outlined in the Blueprint," stated Mr. McKeever. "Although it is outside the County General Plan Urban Services Boundary, it has clear location advantages. This plan scores well," concluded Mr. McKeever.

Ms. Tina Thomas, Remy Thomas, Moose and Manley, on behalf of AKT Development, addressed the Commission. Ms. Thomas stated, "We see this as a great example of multi-jurisdictional coordination between LAFCo, Regional Transit, the City, County, Fish & Game, SMUD and UC Davis." She asked whether or not the Commission will ask that the MOU be reviewed by the Commission prior to adoption. Mr. Brundage replied that after Commission Counsel's review, he wishes to sign a MOU on behalf of the Commission.

Mr. Andy Sawyer, Environmental Council of Sacramento, addressed the Commission. Mr. Sawyer stated, "ECOS appreciates the efforts of staff to hold to policy and uphold LAFCo as lead agency. Many of the speakers in support of the project prejudge the issue of whether or not the Sphere of Influence should be approved. We do agree with many of these issues. We appreciate your effort to follow the process," concluded Mr. Sawyer.

Mr. Jim Pacht, Friends of Swainson's Hawk, addressed the Commission. Mr. Pacht stated he appreciated LAFCo staff following procedure regarding co-agency lead status on the EIR. He then asked whether or not the City of Sacramento had authorized filing the Greenbriar SOI and annexation application filing with LAFCo. Mr. Pacht concluded by stating he appreciated AKT's contribution to the University of California Davis Medical School but the matter must be decided on its merits as a land use issue.

Ms. Judith LaMar, Sierra Club, addressed the Commission. Ms. LaMar asked "Why the fast track?" Ms. LaMar stated that "Projects should be focused in the urban area so that transportation is effective for people who already live here. We have many transit needs in the community." Ms. LaMar stated, "The City's job is to fill out Natomas. The City should bring forward a plan on Habitat. The Sierra Club urges you to not take the fast track."

Mr. George Phillips, representing the Ose Family, addressed the Commission. Mr. Phillips stated, "The proposal sounds very beneficial to the region. We understand why the City would be motivated to proceed quickly. Other landowners, the Ose Family, requested an Urban Services Boundary amendment but our request is on hold until the City-County adoption of the Joint Natomas Vision." Mr. Phillips stated his client is still waiting for a Sphere of Influence expansion. He further stated that "The Commission should make a decision regarding how the SOI will proceed as a condition of the MOU and that the MOU be brought back to the Commission before the EIR proceeds. We also have submitted development plans and we would like to develop. We think you should consider how you might be affecting other property."

Mr. Tom McDonagh, Natomas Community Association, addressed the Commission. Mr. McDonagh stated the Natomas Community Association opposes any changes to LAFCo policy. "Why is the City requesting special treatment in this case," asked Mr. McDonagh. "You are talking about adding 10,000 homes and not getting light rail for 10-20 years. The infrastructure is not there. LAFCo should remain the sole lead agency. I appreciate the funds for UC Davis but funds for this project should stay in Natomas," concluded Mr. McDonagh.

Ms. Sue Thompson, Natomas Community Association, addressed the Commission. Ms. Thompson stated she does not support the co-lead agency status. "I do not think it is allowed under CEQA," stated Ms. Thompson. Ms. Thompson cited sections of CEQA which contemplate only one lead agency and which provide that when two or more claim to be lead, that the matter must be determined to designate one lead and designate all others as responsible agencies.

The Chair closed the Public Comment. There was Commission discussion. Commission Counsel clarified Mr. Pachel's question by stating "The Commission does not have an application before it. The Commission has before it the Executive Officer's request to enter into a MOU for co-lead agency status on the preparation of an EIR." Ms. Miller further stated that staff will attempt to address the issues raised by Ms. Thompson in the MOU. There was extensive discussion on the environmental documentation regarding the proposed project.

**Motion for Memorandum of Understanding for
Environmental Document on Proposed City of Sacramento
Sphere of Influence Amendment and Annexation of Greenbriar Development**

Commissioner Collin moved approval of Numbers 2 and 3 on Mr. Brundage's staff Recommendations (LAFCo co-lead agency status; reissue of NOP stating LAFCo is co-lead agency). The motion was seconded by Commissioner Tooker and unanimously passed.

**MEMORANDUM OF UNDERSTANDING
BETWEEN SACRAMENTO LAFCO AND CITY OF SACRAMENTO
FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT
FOR PROPOSED SPHERE OF INFLUENCE AMENDMENT
[NATOMAS VISION]**

Mr. Brundage explained his request for Commission authorization to enter into a Memorandum of Understanding with the City of Sacramento for the preparation of an Environmental Impact Report for a proposed City of Sacramento Sphere of Influence Amendment for the Natomas Joint Vision Study Area. The MOU is to be subject to Commission Counsel review. There was Commission discussion.

Mr. Robert Thomas, General Manager, City of Sacramento, addressed the Commission. Mr. Thomas stated the City supports the Executive Officer's position regarding an MOU between LAFCo and the City of Sacramento on an EIR for this proposal.

Mr. George Phillips, representing the Ose Family, addressed the Commission. Mr. Phillips stated he and his client are most anxious to work with the City and County and move the matter forward. He stated he wanted to include a condition that addresses the concerns of all landowners. "We want a level playing field regarding how proposals can be taken forward and heard," stated Mr. Phillips. He concluded stating, "I would ask the Commission to direct staff to negotiate an MOU to process the necessary documents to do an SOI study on the Joint Natomas Vision Area. I am asking that you let us start preparing documents."

There was Commission discussion regarding the Joint Vision and its inclusion of the Greenbriar project. Commission Counsel clarified that Greenbriar cannot be compared to the Natomas Joint Vision Area [10,000 acres] because of annexation and entitlements. "The City of Sacramento has chosen to keep them separate projects, as a parachute," stated Mr. Brundage. The Commission discussed policy issues and support for LAFCo staff and City of Sacramento staff collaboration.

**Motion to Approve Memorandum of Understanding
With City of Sacramento
For Environmental Impact Report for
Sphere of Influence for Natomas Joint Vision Area**

On a motion made by Commissioner Rose, seconded by Commissioner Collin, the Commission unanimously approved that staff enter into a Memorandum of Understanding with the City of Sacramento for the preparation of an Environmental Impact Report for the Sphere of Influence of the Natomas Joint Vision Area.

FREEMPORT REORGANIZATION (08-04)

Mr. Lockhart stated the procedure for completing the LAFCo proceeding of the Freeport Reorganization requires the Commission to terminate proceedings by approving Resolution 1301, Resolution Terminating Proceedings for the Proposed Annexation of Freeport to the City of Sacramento. The proposal was rejected by the electorate 24 to 20, reported Mr. Lockhart. On a motion made by Commissioner Mulberg, seconded by Commissioner Rose, the Commission unanimously approved Resolution 1301.

Nomination to CALAFCo Executive Board

Commissioner Mulberg nominated Christopher Tooker for a new term to continue his service on the CALAFCo Executive Board. The motion was seconded by Commissioner Collin and unanimously passed by the Commission.

Commissioners Mulberg and Tooker reported on recent legislation. The rewrite of Community Services District law will soon be on the Governor's desk reported Mr. Tooker. The Chair announced cancellation of the meeting of September 3, 2005 due to CALAFCo Annual Conference and announced the next meeting will be held October 5, 2005. There was no further business; the meeting was adjourned at 8:10 P.M.

Respectfully submitted,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Marilyn Ann Flemmer
Commission Clerk

MAF
(Minutes August 3, 2005)