



**LAFCO MEETING MINUTES  
WEDNESDAY, FEBRUARY 7, 2018**

**CALL TO ORDER**

The meeting was called to order at 1:16 p.m.

**1. ROLL CALL**

The following commissioners and alternates were present:

- **Chairperson Ken Yeager**
- **Commissioner Sequoia Hall**
- **Commissioner Sergio Jimenez**
- **Commissioner Rob Rennie**
- **Commissioner John L. Varela**
- **Commissioner Mike Wasserman**
- **Alternate Commissioner Russ Melton**
- **Alternate Commissioner Terry Trumbull (voting in place of Vice-Chairperson Wilson)**

The following commissioners and alternates were absent:

- **Vice Chairperson Susan Vicklund Wilson**
- **Alternate Commissioner Sylvia Arenas**
- **Alternate Commissioner Cindy Chavez**
- **Alternate Commissioner Yoriko Kishimoto**

The following staff members were present:

- **LAFCO Executive Officer Neelima Palacherla**
- **LAFCO Assistant Executive Officer Dunia Noel**
- **LAFCO Analyst Lakshmi Rajagopalan**
- **LAFCO Clerk Emmanuel Abello**
- **LAFCO Counsel Malathy Subramanian**

**4. PUBLIC COMMENTS**

There was none.

**5. APPROVE MINUTES OF DECEMBER 6, 2017 LAFCO MEETING**

Ms. Palacherla proposed a correction to the draft minutes to reflect that Dunia Noel was absent at the December 6, 2017 meeting.

The Commission approved the minutes of the December 6, 2017 LAFCO meeting, as corrected.

Motion: Wasserman Second: Hall

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Trumbull

NOES: None ABSTAIN: None ABSENT: None

**MOTION PASSED**

Upon the request of **Commissioner Wasserman**, there being no objection, the Commission added agenda item numbers 6, 8 and 12 to the consent calendar.

The Commission approved the consent calendar.

**4. CONSENT ITEM: WEST VALLEY SANITATION DISTRICT 2017-02 (TWELVE OAKS ROAD)**

The Commission adopted Resolution No. 2018-02, approving the annexation of approximately 1.46 acres located at 201 Twelve Oaks Road in Los Gatos, to the West Valley Sanitation District.

Motion: Wasserman Second: Hall

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Trumbull

NOES: None ABSTAIN: None ABSENT: None

**MOTION PASSED**

**5. MONTE SERENO URBAN SERVICE AREA (USA) AND SPHERE OF INFLUENCE (SOI) AMENDMENT 2017 (LUCKY ROAD)**

This being the time and place for the public hearing, **Chairperson Yeager** declared the public hearing open.

Ms. Palacherla presented the staff report. At the request of **Chairperson Yeager**, Ms. Palacherla provided a brief history of the application and explained that LAFCO had heard this same application twice before and described LAFCO's prior actions on the proposal.

Nick Petredis, representative of the property owners, expressed appreciation to LAFCO for waiving the time requirement and allowing submission of the application. He stated that the presence of the historic house and the area's proximity to the city limits make it suitable for annexation. He also expressed understanding of the staff's position but indicated that there are equally valid

points for annexation. He informed that the property owners would run a sewer line along Lucky Road that would allow neighbors to connect to the sewer system. He informed that the existing septic system is partly broken. He offered to cooperate with the city on annexation of the pockets. Finally, citing the letters from those who are opposed to the proposal, he informed that his clients granted an easement to the San Jose Water Company and are willing to offer \$50,000 towards a road maintenance agreement if necessary. .

**Commissioner Wasserman** indicated his appreciation for the recommendations for denial but indicated that the proposal is not precedent setting and should be considered on its own merits. He expressed understanding of Monte Sereno's position on island annexation as he recalled that while he was serving on the Los Gatos Town Council, a survey found that majority of residents in the pockets were opposed to annexation. He stated that annexation of Monte Sereno islands should not be tied to approving this proposal since these are two separate issues, and that this area has its reasons to be annexed.

**Alternate Commissioner Trumbull** informed that he voted to deny the proposal in June 2017 and that his position remains the same since there has been no change on the status of the application. He informed that LAFCO's job is to enforce the rules for all, and noted that the area is only accessible via a private road. He further informed that Monte Sereno failed to follow through on island annexations and had unilaterally withdrawn from an agreement with the County to protect the West Valley hillsides.

In response to an inquiry by **Commissioner Jimenez**, Ms. Palacherla informed that an example of a growth inducing application was Morgan Hill's USA boundary expansion for city facilities on the urban edge that was approved by LAFCO but after it was developed, the city came back to request for more expansion into farmlands in the vicinity. In response to his follow-up inquiry, Ms. Palacherla informed that the 2015 Cities Service Review was not a reason for the staff recommendation. **Commissioner Varela**, in reference to the comment on Morgan Hill's boundary expansion, informed that the property owners have offered agricultural mitigation for those lands and it was the farmers themselves who have requested annexation of farmlands He indicated that his position on the proposal has not changed as he considers the area an island and that its approval would not induce growth.

The Commission:

- a. Approved the USA/SOI amendment request and directed staff to return with the required SOI determinations at the next meeting.
- b. The Commission, as a Responsible Agency under CEQA, has taken the following actions regarding the Mitigated Negative Declaration for this project:

1. Found that the Initial Study and Mitigated Negative Declaration approved by the City of Monte Sereno on September 3, 2013 were completed in compliance with CEQA and are an adequate discussion of the environmental impacts of the project.
2. Found that prior to making a decision on this project, LAFCO reviewed and considered the environmental effects of the project as outlined in the Initial Study and Mitigated Negative Declaration.

Motion: Wasserman

Second: Varela

AYES: Yeager, Jimenez, Rennie, Varela, Wasserman

NOES: Hall, Trumbull

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**6. CONSENT ITEM: PROPOSED AMENDMENT OF LAFCO BYLAWS**

The Commission amended the LAFCO Bylaws to include the proposed policies regarding LAFCO meeting agendas.

Motion: Wasserman

Second: Hall

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Trumbull

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**7. FINANCE COMMITTEE FOR FISCAL YEAR 2018-2019**

The Commission appointed Commissioners Hall, Jimenez and Rennie to the Finance Committee.

**8. CONSENT ITEM: SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) WORKERS' COMPENSATION RESOLUTION**

The Commission adopted **Resolution No. 2018-01** confirming workers compensation coverage by SDRMA for LAFCO commissioners.

Motion: Wasserman

Second: Hall

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Trumbull

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

9. **UPDATE ON COMMUNICATIONS AND OUTREACH PLAN & IMPLEMENTATION**

Ms. Palacherla presented the staff report and expressed appreciation to the commissioners for responding to the Survey. She also thanked Commissioner Jimenez for making arrangements to host the LAFCO Communications workshop at San Jose City Hall.

The Commission accepted the report.

Motion: Wasserman

Second: Jimenez

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Trumbull

NOES: Nome

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

10. **UPDATE ON THE SANTA CLARA VALLEY AGRICULTURAL PLAN**

Ms. Noel presented the staff report.

In response to an inquiry by **Commissioner Jimenez, Chairperson Yeager** informed that appointments have not been made to the Agricultural Preservation Task Force.

Doug Muirhead, resident of Morgan Hill, proposed that the Plan's benefits must be explained in a way that ordinary citizens will understand the personal benefits of farmlands so as to build public support for preserving agricultural lands.

The Commission accepted the report.

Motion: Jimenez

Second: Hall

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Trumbull

NOES: Nome

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

11. **LEGISLATIVE REPORT**

Ms. Palacherla presented the staff report.

The Commission expressed support for the legislative proposal (CLAFCO Omnibus Bill) that would remove the current restriction in state law which does not allow the Santa Clara LAFCO public member to be a resident of a city already represented on LAFCO.

Motion: Varela

Second: Hall

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Trumbull

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**12. CONSENT ITEM: CALAFCO RELATED ACTIVITIES**

**12.1 2018 CALAFCO STAFF WORKSHOP**

The Commission authorized staff to attend the 2018 CALAFCO Staff Workshop and authorized travel expenses funded by the LAFCO budget.

Motion: Wasserman

Second: Hall

AYES: Yeager, Hall, Jimenez, Rennie, Varela, Wasserman, Trumbull

NOES: None

ABSTAIN: None

ABSENT: None

**MOTION PASSED**

**12.2 CALAFCO BOARD OF DIRECTORS MEETING**

The Commission noted the report.

**13. EXECUTIVE OFFICER'S REPORT**

**13.1 SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION MEETING**

The Commission noted the report.

**13.2 SANTA CLARA COUNTY ASSOCIATION OF PLANNING OFFICIALS (SCCAPO) MEETING**

The Commission noted the report.

**13.3 MEETING WITH COMMITTEE FOR GREEN FOOTHILLS LEGISLATIVE ADVOCATE**

The Commission noted the report.

**13.4 MEETING WITH CITY OF MORGAN HILL STAFF**

The Commission noted the report.

**13.5 LAFCO ORIENTATION SESSION FOR NEW POLICY AIDES**

The Commission noted the report.

**13.6 INTER-JURISDICTIONAL GIS WORKING GROUP MEETING**

The Commission noted the report.

**14. PENDING APPLICATIONS / UPCOMING PROJECTS**

There was none.

**15. COMMISSIONER REPORTS**

There was none.

**16. NEWSPAPER ARTICLES / NEWSLETTERS**

There was none.

**17. WRITTEN CORRESPONDENCE**

There was none.

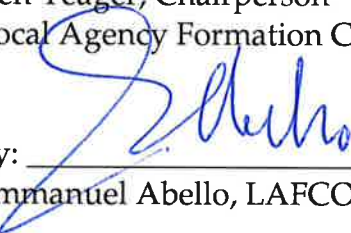
**18. ADJOURN**

The Commission adjourned at 1:48 p.m., to the regular LAFCO meeting on April 4, 2018 at 1:15 p.m., in the Board Meeting Chambers, 70 West Hedding Street, San Jose.

Approved on April 4, 2018.



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

By:   
Emmanuel Abello, LAFCO Clerk

