



## **CITY OF AMERICAN CANYON**

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### **COUNCIL AGENDA STAFF REPORT**

**Meeting Date: November 3, 2009**  
**BUSINESS ITEM: 9**

#### **SUBJECT:**

Adopt a Resolution:

- Approving a public access trail corridor agreement with the Napa-Vallejo Waste Management Authority;
- Approving an application for lot line adjustments and grant deed of easements for public access around the former landfill;
- Approving a right of entry and construction agreement with NVWMA;
- Approving an agreement with the Napa Regional Park And Open Space District for development, operation and maintenance of the public access trail; and
- Authorizing the City Manager to execute all documents on behalf of the City.

#### **SUBMITTED BY:**

Randy Davis, Parks and Recreation Director  
Michael Throne, Public Works Director  
Cynthia Ripley, Capital Projects Coordinator

#### **BACKGROUND AND ISSUES:**

With this item staff requests that the City Council approve an agreement to establish a public access trail corridor around the landfill (the landfill loop trail), which will connect to the Wetlands Edge Bay Trail. Ultimately, these two segments will connect to a trail that travels north along the Cargill Salt levees to Green Island Road and continues into Napa. This trail network forms a substantial component of the San Francisco Bay Trail in American Canyon and provides access at several points along the Napa River. The attached map illustrates how the proposed landfill loop trail connects to the other regional trails.

The proposed agreement establishes pedestrian access rights around the landfill, fencing and management policies to separate the public from NVWMA facilities and the top of the landfill, and legal descriptions for the easements and lot line adjustments necessary for the loop trail. By the terms of the agreement, NVWMA provides an easement on its land for the City to construct the trail on the eastern, western, and southern sides of the landfill. On the north side, a lot line adjustment is proposed so the NVWMA facilities, which are currently located on City property, can be incorporated into property belonging to NVWMA. A second lot line adjustment is also proposed to connect the loop trail to the Wetlands Edge Bay Trail.

When the project is ready to be constructed, a right of entry will be required; a proposed agreement is included.

In addition to authorizing the agreement with NVWMA, of the attached Resolution authorizes an agreement with the Napa County Regional Park and Open Space District for construction of the trail on the west and southern sides and provides for its joint management and use, i.e., the development, operation and maintenance of the public access trail. Award of a \$1.1 million River Parkways Grant to the Napa County Regional Park and Open Space District for construction of the loop trail depends on an agreement between the City and NVWMA to establish public access around the landfill.

NVWMA staff will take the proposed agreement to the NVWMA Board on November 5, 2009, and staff of the Napa Regional Park and Open Space District will take the proposed MOU to that board on November 9.

### **FISCAL IMPACT**

Approving the public access trail corridor agreement with NVWMA commits the City to constructing the eastern segment of the trail and to maintaining and providing security for the entire loop trail. Staff will seek grant funding for the estimated \$122,500 construction cost.

The construction of the western and southern segments of the loop trail will be funded by the Napa County Regional Park and Open Space District through a grant from the state under the River Parkways Program. The grant will also pay for a bridge that connects the Wetlands Edge Trail to the levees along the Cargill Salt ponds and for new public access surfaces on these levees as far as Green Island Road.

In addition to future construction costs, approval of the Resolution also commits the City to providing 100 hours of work from the Community Development Department to assist NVWMA with future planning for its quarry site, and to assist the Napa County Regional Park and Open Space District in the trail construction.

### **ENVIRONMENTAL DETERMINATION**

Upon Council approval of the public access trail corridor agreement, staff will file a Notice of Exemption prepared in accordance with CEQA guidelines amending the NVWMA post-closure landfill plan to incorporate the use of an existing 10-foot wide, 5,283-linear foot service track for a non-motorized, multiuse pedestrian, biking and equestrian trail.

### **ALTERNATIVES/IMPACTS**

Approval of the Resolution will support the goal of opening the trail by Fiscal Year 2010-11. If an agreement cannot be reached with NVWMA, it will not be possible for pedestrians and hikers to traverse the landfill property and the project will not go forward.

**STAFF RECOMMENDATIONS:**

Staff recommends that City Council adopt the attached Resolution approving a public access trail corridor agreement with the Napa-Vallejo Waste Management Authority; approving an application for lot line adjustments and grant deed of easements for public access around the former landfill; approving a right of entry and construction agreement with NVWMA; approving an agreement with the Napa County Regional Park and Open Space District for development, operation and maintenance of the public access trail; and authorizing the City Manager to execute all documents on behalf of the City.

1. **Attachments:** Resolution  
NVWMA Agreement  
Napa County Park & Open Space District Agreement  
Legal Descriptions and Maps  
Overview Map
  
2. **Copies to:**

Jeff Peters	Trent Cave
Questa Engineering	Napa Vallejo Waste Management Authority
PO Box 70356	1195 Third St., Room 101
1220 Brickyard Cove, Suite 206	Napa, CA 94559
Pt. Richmond, CA 94807	
John Woodbury	
Napa County Regional Parks & Open Space District	
1195 Third Street, Room 210	
Napa, CA 94559	

## RESOLUTION

**APPROVING A PUBLIC ACCESS TRAIL CORRIDOR AGREEMENT WITH THE NAPA-VALLEJO WASTE MANAGEMENT AUTHORITY (NVWMA), APPROVING AN APPLICATION FOR LOT LINE ADJUSTMENTS AND GRANT DEEDS OF EASEMENTS FOR PUBLIC ACCESS AROUND THE FORMER LANDFILL, APPROVING A RIGHT OF ENTRY AND CONSTRUCTION AGREEMENT WITH NVWMA, APPROVING AN AGREEMENT WITH THE NAPA COUNTY REGIONAL PARK AND OPEN SPACE DISTRICT FOR DEVELOPMENT, OPERATION AND MAINTENANCE OF THE PUBLIC ACCESS TRAIL, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS ON BEHALF OF THE CITY**

**WHEREAS**, the City wishes to construct a public access trail around the base of the former landfill to the west of the City's wetlands adjacent to the Napa River; and

**WHEREAS**, the landfill is operated by the Napa Vallejo Waste Management Authority (NVWMA), a joint powers agency; and

**WHEREAS**, the City and NVWMA have jointly developed an agreement which describes the right-of-way the trail will follow, various lot line adjustments and easements to clear said right-of-way, and management policies and commitments on the part of both parties; and

**WHEREAS**, the agreement places the construction, operation, and maintenance of the trail under the City's jurisdiction; and

**WHEREAS**, the City will jointly develop, operate and maintain the trail in accordance with an agreement with the Napa County Regional Park and Open Space District;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of American Canyon hereby approves a public access trail corridor agreement with the Napa-Vallejo Waste Management Authority.

**BE IT FURTHER RESOLVED** that the City Council hereby approves the submission of an application for lot line adjustments to City-owned parcels necessary for the establishment of the public-access trail.

**BE IT FURTHER RESOLVED** that the City Council hereby approves the execution and acceptance of grant deeds of easements necessary for the establishment of the public-access trail.

**BE IT FURTHER RESOLVED** that the City Council hereby approves the execution of a right of entry and construction agreement with NVWMA for the future construction of the public access trail.

**BE IT FURTHER RESOLVED** that the City Council hereby approves agreement with the Napa County Regional Park and Open Space District for development, operation and maintenance of the public access trail on lands owned by the City.

**BE IT FURTHER RESOLVED** that the City Council hereby authorizes the City Manager to execute all above agreements, lot line adjustment applications, grant deeds of easements for the public access trail, and minor modifications thereof, on behalf of the City.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of American Canyon on the 3<sup>rd</sup> day of November, 2009, by the following vote

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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**Leon Garcia, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

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**Sherry Kelly, Interim City Clerk**

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**William Ross, City Attorney**