

**MINUTES  
LOCAL AGENCY FORMATION COMMISSION  
OCTOBER 25, 2006**

The Stanislaus Local Agency Formation Commission met in the Joint Chambers at Tenth Street Place, Basement Level, 1010 10<sup>th</sup> Street, Modesto, California. The meeting was called to order at 6:01 p.m.

**I. CALL TO ORDER**

- A. Pledge of Allegiance to Flag. The Chairperson led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. The Chairperson led in the introduction of the Commissioners.

Commissioners Present:      Barbara Rouse, Chair, Public Member  
Arrived at 6:04 p.m.         John Lazar, Vice-Chair, City Member  
   Pat Kuhn, City Member  
   William O'Brien, County Member  
   Brad Hawn, Alternate City Member

Commissioners Absent:      Thomas Mayfield, County Member  
   Tia Saletta, Alternate Public Member  
   Ray Simon, Alternate County Member  
Left at 7:15 p.m.                 John Lazar, Vice-Chair, City Member

Staff introduced themselves:

Staff Present:                 Marjorie Blom, Executive Officer  
   Dean Wright, LAFCO Counsel  
   Elizabeth Contreras, Assistant Executive Officer  
   Debbie Hamilton, Clerk

**II. APPROVAL OF THE MINUTES**

- A. Minutes of September 27, 2006. It was moved by Commissioner O'Brien, seconded by Commissioner Kuhn, to approve the Minutes of the September 27, 2006 meeting. The motion carried with a 4-0 vote of the voting members.

**III. CORRESPONDENCE**

- A. Specific Correspondence.
1. Letter from Neal Costanzo, Hargrove & Costanzo, Professional Law Corporation, dated October 16, 2006, regarding Agenda Item No. VII:A, Request for Reconsideration by the Oakdale Rural Fire Protection District - Received.

2. Letter from Kristina D. Lawson, Miller, Starr & Regalia, a Professional Law Corporation, dated October 17, 2006, regarding Agenda Item No. VII:A, Oakdale Rural Fire Protection District Request for Reconsideration of Commission Resolutions 2006-15 and 2006-16 – Approving Annexation to the City of Oakdale - Received.
3. Letter from Steve Erickson, Road Commissioner, Stanislaus County Public Works, dated October 19, 2006, regarding Agenda Item No. VI:A, LAFCO Application No. 2006-10, Formation of County Service Area No. 23 – Hillsborough-Schutz (East Oakdale) - Handout.
4. Letter from Steve Knell, General Manager for Oakdale Irrigation District, dated October 19, 2006, regarding Agenda Item No. VI:A, LAFCO Application No. 2006-10, Hillsborough-Schutz (East Oakdale) - Agenda Item No. VI:A - Handout.
5. Letter from William D. Ross, A Professional Corporation, dated October 23, 2006, regarding Agenda Item No. VII:A, Requests for Reconsideration - LAFCO Resolutions: No. 2006-15 – East “F” Street Corridor Specific Plan Reorganization to the City of Oakdale; No. 2006-16 – City of Oakdale Municipal Service Review (MSR) and Sphere of Influence (SOI) Modification; and No. 2006-17 – South Oakdale Industrial Specific Plan Reorganization to the City of Oakdale - Handout.
6. Letter from Kristina Lawson, Miller Starr & Regalia, Professional Law Corporation, dated October 25, 2006, regarding Agenda Item No. VII:A, Response to October 23, 2006 Correspondence from Oakdale Rural Fire Protection District - Handout.

B. Informational Correspondence.

1. 2007 LAFCO Calendar – Received.

C. “In the News

- Waterford News, September 12, 2006, “New sewer connections bring relief to homeowners” - Received.
- Patterson Irrigator, September 20, 2006, “Area residents debate county ag plan” - Received.
- Patterson Irrigator, September 23, 2006, “Home development draws criticism” - Received.
- The Modesto Bee, September 25, 2006, “Patterson Unified scoops council” - Received.

- The Modesto Bee, September 26, 2006, "Robertson Road sewer project is finished, awaits final inspection, OK" - Received.
- The Modesto Bee, September 26, 2006, "Planning officials awash in projects" - Received.
- The Modesto Bee, September 27, 2006, "Industrial park plan on runway" - Received.
- The Modesto Bee, September 28, 2006, "No action taken on review of fire forces" - Received.
- Patterson Irrigator, September 30, 2006, "Schools seek developers' money early" - Received.
- The Modesto Bee, October 5, 2006, "Dry West Side faces a thirst for housing" - Received.
- The Modesto Bee, October 5, 2006, "TID, MID have dibs on north state water" - Received.

#### IV. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

#### V. CONSENT ITEMS

A. **OUT-OF-BOUNDARY SERVICE APPLICATION – CITY OF MODESTO – 406 BROADWAY AVENUE (SHACKELFORD NEIGHBORHOOD).**  
Staff recommended approval of Resolution No. 2006-25.

B. **OUT-OF-BOUNDARY SERVICE APPLICATION – CITY OF MODESTO – 1028 SANTA FE AVENUE (SHACKELFORD NEIGHBORHOOD).**  
Staff recommended approval of Resolution No. 2006-26.

Moved by O'Brien, seconded by Commissioner Kuhn, and carried with a 4-0 vote to approve Consent Items A and B.

#### VI. ACTION ITEMS

A. **LAFCO APPLICATION NO. 2006-10 – FORMATION OF COUNTY SERVICE AREA (CSA) NO. 23 – HILLSBOROUGH-SCHUTZ (EAST OAKDALE) – CONTINUED FROM SEPTEMBER 27, 2006.**  
Commissioner Lazar arrived at 6:04 p.m.  
Staff presented the proposal with the recommendation for approval.  
Steve Knell, General Manager, Oakdale Irrigation District, stated the concerns

raised by the District have been addressed by the County Public Works Department. Mr. Knell commended Steve Erickson, County Road Commissioner regarding the cooperation he received while working on this issue. Mr. Knell also noted his appreciation to the Commission and LAFCO Staff for allowing the District to voice its previous concerns regarding the Formation of CSA No. 23.

Moved by Commissioner O'Brien, seconded by Commissioner Lazar and carried with a 4-0 vote (Commissioner Hawn was ineligible) that the Commission adopt Resolution No. 2006-27, approving the Formation of CSA No. 23.

**B. LAFCO APPLICATION NO. 2006-11 – FORMATION OF COUNTY SERVICE AREA (CSA) 25 – SUNCREST II (DENAIR).**

Staff presented the proposal with the recommendation for approval.

Moved by Commissioner Lazar, seconded by Commissioner O'Brien and carried with a 4-0 vote (Commissioner Hawn was ineligible) that the Commission adopt Resolution No. 2006-28, approving the Formation of CSA No. 25.

**C. CONSIDERATION TO AMEND POLICY 15 – OUT-OF-BOUNDARY SERVICE CONTRACTS OR AGREEMENTS.**

Staff presented the proposal with the recommendation for approval.

Commissioner Hawn requested that the amended policy section shall pertain to the Shackelford and Robertson Road Neighborhoods. The Commission also directed staff to report back as to when out-of-boundary service extensions are approved under the amended Section B.

Moved by Commissioner O'Brien, seconded by Commissioner Kuhn and carried with a 4-0 vote (Commissioner Hawn was ineligible) that the Commission adopt Resolution No. 2006-29, as amended.

**VII. PUBLIC HEARING**

**A. PUBLIC HEARING – REQUESTS FOR RECONSIDERATION - LAFCO RESOLUTIONS: NO. 2006-15 – EAST “F” STREET CORRIDOR SPECIFIC PLAN REORGANIZATION TO THE CITY OF OAKDALE; NO. 2006-16 – CITY OF OAKDALE MUNICIPAL SERVICE REVIEW (MSR) AND SPHERE OF INFLUENCE (SOI) MODIFICATION; AND NO. 2006-17 – SOUTH OAKDALE INDUSTRIAL SPECIFIC PLAN REORGANIZATION TO THE CITY OF OAKDALE.**

Staff presented the proposal with the recommendation that the Commission deny the Reconsideration Requests.

Public hearing opened.

**FAVOR:** William D. Ross, Attorney, representing the Oakdale Rural Fire Protection District.

Sherry Schlegel, Resident of Knights Ferry.

Robert Hoyer, Deputy Chief, Oakdale Rural Fire Protection District.

**OPPOSITION:** Neal Costanzo, Attorney, representing the City of Oakdale.

Commissioner Lazar left the Dais and the meeting at 7:15 p.m.

Kristina D. Lawson, Attorney, from Miller, Starr & Regalia, representing property owners within the East “F” Street Corridor Specific Plan Reorganization.

Steve Hallam, Community Development Director, City of Oakdale.

Public hearing closed at 7:23 p.m.

Following consideration of the matter by the Commission, it was moved by Commissioner Hawn, seconded by Commissioner Kuhn, to deny the Reconsideration Requests. Commissioner's O'Brien and Rouse voted to approve the Reconsideration Requests. Therefore, the vote ended in a 2-2 tie. In accordance with LAFCO Rule No. 32, three votes are necessary to approve a proposal or motion. As the proposal received a tied vote, the matter must be continued to the next available Commission hearing.

Neal Costanzo, Attorney for the City of Oakdale, stated that in accordance with Government Code Section 56895(f), as the Reconsideration Requests are to be continued, the Commission must consider the matter within 35 days.

As the next regularly schedule Commission meeting is after the 35 day time frame, Staff will verify if a special meeting can be schedule in order to continue the matter before the 35 day time frame and schedule a Notice of Public Hearing once the date has been set.

#### **VIII. OTHER BUSINESS**

None.

#### **IX. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

1. Chairperson Rouse presented Commissioner Kuhn a plaque on behalf of the Commission commending her for dedicated service to LAFCO from 1994 through 2006.
2. Chairperson Rouse informed the Commissioner that she attended the Fire Chiefs Association Meeting regarding the Draft Countywide Fire Services Municipal Service Review on October 19, 2006.

#### **X. EXECUTIVE OFFICER'S REPORT**

- A. On the Horizon. The Executive Officer informed the Commission of the following upcoming items:
  1. Two island detachments of territory within the City of Riverbank from the Oakdale Irrigation District.
  2. Hatch and Santa Fe Annexation with the City of Hughson.
  3. A request for an Out-of-Boundary Service Extension by the Salida Sanitary District to provide sewer service to the proposed Gregori High School (Modesto City School District).
- B. The County Planning Directors Association will be holding the Annual Planning Commissioners Workshop on January 27, 2007, at the County Ag Center.

- C. Staff also attended the meeting with the Fire MSR Consultant and the Fire Chiefs on October 19, 2006. Comments from the Fire Districts on the Draft Countywide Fire MSR, are to be returned to LAFCO Office no later than November 9, 2006.
- D. The Executive Officer introduced and welcomed Elizabeth Contreras, LAFCO's new Assistant Executive Officer.

**XI. PUBLIC FORUM**

None.

**X. ADJOURNMENT**

- A. Set meeting date and time. The next meeting date and time is December 6, 2006 at 6:00 p.m.
- B. The meeting was adjourned at 7:46 p.m.

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Marjorie Blom  
Executive Officer

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