

**MINUTES
LOCAL AGENCY FORMATION COMMISSION
FEBRUARY 28, 2007**

The Stanislaus Local Agency Formation Commission met in the Joint Chambers at Tenth Street Place, Basement Level, 1010 10th Street, Modesto, California. The meeting was called to order at 6:00 p.m.

I. CALL TO ORDER

A. Pledge of Allegiance to Flag. The Chairperson led in the pledge of allegiance to the flag.

B. Commissioners and Staff.

Commissioners Present: Brad Hawn, Chair, City Member
William O'Brien, Vice Chair, County Member
Ken Lane, City Member
Thomas Mayfield, County Member
Barbara Rouse, Public Member
John Fantazia, Alternate City Member
Tia Saletta, Alternate Public Member

Commissioners Absent: Jim DeMartini, Alternate County Member

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

II. APPROVAL OF THE MINUTES

A. Minutes of January 24, 2007 Meeting. It was moved by Commissioner Rouse, seconded by Commissioner Lane, to approve the Minutes of the January 24, 2007 meeting. The motion carried with a 5-0 vote of the voting members. (Commissioners Fantazia and Saletta were ineligible.)

III. CORRESPONDENCE

A. Specific Correspondence.

1. Letter dated February 20, 2007, from James Gerber regarding Agenda Item No. VII:B - Handout.
2. Letter dated February 17, 2007, from Carol Kinnear regarding Agenda Item No. VII:C -Handout.
3. Letter dated February 22, 2007, from Brian Genzoli, Chairman of the Board, Turlock Rural Fire Department regarding Agenda Item No. VII:C – Handout.

B. Informational Correspondence.

None.

C. "In the News".

- The Modesto Bee, January 26, 2007, "Marooned on a county island" – Received.
- The Modesto Bee, January 29, 2007, "Planners plot how to work as one for valley" – Received.
- The Modesto Bee, January 29, 2007, "Tee up 9 more holes, a town?" – Received.
- Oakdale Leader, January 31, 2007, "Riverbank, OID Officials Have Met Regarding Water Issues" – Received.
- The Modesto Bee, February 2, 2007, "Parceling ag land is denied" – Received.
- San Diego Tribute (Online), February 13, 2007, "Merging of 35 fire agencies an option" – Received.
- The Modesto Bee, February 14, 2007, "Air facility proposals take wing at Board of Supervisors meeting" – Received.
- The Modesto Bee, February 14, 2007, "Water plant could be ready in '09' " - Received.
- The Modesto Bee, February 16, 2007, "3,000 homes in Riverbank halted" – Received.
- The Riverbank News, February 14, 2007, "Council Backs Regional Growth Strategy" - Received.
- Patterson Irrigator, February 17, 2007, "Developers complete over Crows Landing Air Base" – Received.
- The Modesto Bee, February 18, 2007, "Development plan takes a hit" – Received.
- The Modesto Bee, February 27, 2007, "Riverbank, developer part ways" – Handout.

IV. PRESENTATIONS

- A. Chair Hawn presented a plaque to John Lazar recognizing his years of service as a LAFCO Commissioner from January 2000 through December 2006.
- B. Chair Hawn presented a plaque to Barbara Rouse as outgoing Chairperson for the year of February 2006 through January 2007.

V. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

Dean Wright, LAFCO Counsel, indicated that at the January 24, 2007 meeting, Commission O'Brien had disqualified himself from the Formation of the Wendt Ranch Reclamation District proposal, due to the 500-foot rule. LAFCO Counsel clarified that Commission O'Brien lives outside the 500-foot and 1,000 feet outside the boundary. Counsel Wright then apologized to the Commission and the Public.

VI. CONSENT ITEM

- A. **LAFCO APPLICATION NO. 2007-01 – INNOVATIVE TECHNOLOGY BUSINESS PARK-PHASE 2 CHANGE OF ORGANIZATION (ANNEXATION) TO THE COUNTY SERVICE AREA NO. 10 – SALIDA.**
Moved by Commissioner O'Brien, seconded by Commissioner Mayfield with a 5-0 vote to adopt Resolution No. 2007-04, approving Innovative Technology Business Park - Phase 2 Change of Organization (Annexation) to the County Service Area No. 10 – Salida.

VII. PUBLIC HEARING

- A. **PUBLIC HEARING – LAFCO APPLICATION NO. 2006-12 – HATCH & SANTA FE CHANGE OF ORGANIZATION TO THE CITY OF HUGHSON (CONTINUED FROM DECEMBER 6, 2006).**
Marjorie Blom, Executive Officer, presented the proposal with the recommendation for approval.
Public hearing opened at 6:17 p.m.
FAVOR: David Chase, Public Works Director, City of Hughson.
Barry Siebe, Director of Planning, City of Hughson.
Dennis Wilson, Horizon Consulting, representing the majority of the landowners within the territory.
David Whiteside, resident of Hughson.
OPPOSITION: None.
Public hearing closed at 6:44 p.m.
Moved by Commissioner O'Brien, seconded by Commissioner Lane and carried with a 4-1 vote (Commissioner Mayfield voted no and Commissioners Fantazia and Saletta were ineligible) that the Commission adopt Resolution No. 2006-32, approving the Hatch & Santa Fe Change of Organization to the City of Hughson.

B. **PUBLIC HEARING – LAFCO APPLICATION NO. 2006-14 – FORMATION OF THE WENDT RANCH RECLAMATION DISTRICT (CONTINUED FROM JANUARY 24, 2007).**

Marjorie Blom, Executive Officer, presented the proposal with the recommendation for approval.

Public hearing opened at 7:04 p.m.

FAVOR: Michael McGrew, Neumiller & Bearsdslee, representing the applicant. Mr. McGrew provided a revised map to the Commission, requesting that the boundaries of the District be modified to follow the topographical lines of the territory.

OPPOSITION: Karen Mitchell, resident of Riverbank.

Brad Barker, representing the Sierra Club.

Bob DeMont, resident of Riverbank.

Leland Moura, spoke in behalf of the Modesto Rifle Club.

Public hearing closed at 7:20 p.m.

Commissioner Rouse made a motion to deny the proposal, and the motion was seconded by Commissioner Mayfield. Upon roll call, the vote was 2-3, and the motion failed as three votes are necessary to approve a proposal or motion.

Subsequently, a motion was made by Commissioner O'Brien, seconded by Commissioner Lane and carried with a 3-2 vote to approve the proposal. (Commissioners Lane, O'Brien, Hawn voted yes and Commissioners Rouse and Mayfield voted no; Commissioners Fantazia and Saletta were ineligible). The Commission adopted Resolution No. 2007-03, approving the Formation of the Wendt Ranch Reclamation District, with a modification to the boundaries of the District, as proposed by the applicant's attorney.

At 7:24 p.m., Chair Hawn called for recess.

At 7:35 p.m., Chair Hawn called the meeting to reorder.

C. **LAFCO APPLICATION NO. 2007-03 – WESTSIDE INDUSTRIAL SPECIFIC PLAN REORGANIZATION TO THE CITY OF TURLOCK.**

Marjorie Blom, Executive Officer, presented the proposal with the recommendation for approval.

Public hearing opened at 7:44 p.m.

FAVOR: Debbie Whitmore, Planning Manager, City of Turlock, presented a power point presentation on the proposal.

Charles Woods, Community Director and Development, City of Turlock.

Heidi McNally-Dial, Assistant City Manager, Economic Development Redevelopment, City of Turlock.

Dan Madden, Municipal Services Director, City of Turlock.

Mark Langley, Fire Chief, City of Turlock.

Doug Sweetland, Director of Economic Development of The Alliance.

OPPOSITION: None.

Public hearing closed 8:13 p.m.

Moved by Commissioner Mayfield, seconded by Commissioner O'Brien and carried with a 5-0 vote (Commissioners Fantazia and Saletta were ineligible) that the Commission adopt Resolution No. 2007-05, approving the Westside Industrial Specific Plan Reorganization to the City of Turlock.

VIII. OTHER BUSINESS

None.

IX. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

Chair Hawn stated his concerns of the latitude and authority this Commission has in regards to its decision making and suggested that the Executive Officer schedule a LAFCO 101 Workshop in the near future.

X. EXECUTIVE OFFICER'S REPORT

A. On the Horizon.

The Executive Officer informed the Commission of the following items scheduled for the March 28, 2007 meeting:

1. The "Villages of Patterson" proposal which includes an update to the City's Municipal Service Review (MSR), Sphere of influence Modification, and annexation and detachment of approximately 692 acres.
2. There will be two presentations, as follows:
 - a. The City of Riverbank's Community Development Director will provide a presentation on the City of Riverbank's General Plan Update.
 - b. Stanislaus County Planner, Angela Freitas, will provide an overview of the County's AG element Update.

B. The following items scheduled for April 25, 2007 Meeting:

1. Proposed Fiscal Year 2007-2008 LAFCO Budget.
2. Public Hearing for the Adoption of the Countywide Fire Services Municipal Service Review (tentative).

C. Informational Items:

1. Sara Lytle-Pinhey, LAFCO's new Assistant Executive Officer, will begin working on March 5, 2007.

2. The Executive Officer asked for Commission approval to close the office April 11-13, 2007, in order to allow the entire staff the opportunity to attend the CALAFCO Staff Workshop. Staff will post a notice on the website and the 3rd Floor Front Counter stating that LAFCO staff will be unavailable during that time. (The Commission approved staff's request to close the office during April 11-13, 2007.)

XI. PUBLIC COMMENT

Rod Simpson, Community Development Director with the City of Patterson, invited the Commission to contact him regarding any questions they may have on the City's upcoming "Villages of Patterson" proposal, scheduled for the March 28, 2007 meeting.

Chair Hawn requested that "Public Comment" listed on the agenda be reordered and requested staff to initiate a change to the Commission's Order of Business rule. Commissioner O'Brien then requested that staff bring the item back to the Commission at the next meeting as a consent item.

XII. AJOURNMENT

- A. Set meeting date and time. The next meeting date and time is March 28, 2007 at 6:00 p.m.
- B. The meeting was adjourned at 8:23 p.m.

Marjorie Blom
Executive Officer

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