



STANISLAUS LOCAL AGENCY FORMATION COMMISSION

MINUTES MARCH 24, 2010

The Stanislaus Local Agency Formation Commission met in the Joint Chambers at Tenth Street Place, Basement Level, 1010 10th Street, Modesto, California.

1. CALL TO ORDER

- A. Chair DeMartini called the March 24, 2010 meeting to order at 6:00 p.m.
- B. Pledge of Allegiance to Flag. Chair DeMartini led in the pledge of allegiance to the flag.
- C. Introduction of Commissioners. Chair DeMartini led in the introduction of the Commissioners and Staff.

Commissioners Present: Jim DeMartini, Chair, County Member
Tia Saletta, Vice-Chair, Public Member
William O'Brien, County Member
Charlie Goeken, Alternate City Member
Ron Freitas, Alternate Public Member
Vito Chiesa, Alternate County Member

Commissioners Absent: Brad Hawn, City Member
Ken Lane, City Member

Staff Present: Marjorie Blom, Executive Officer
Sara Lytle-Pinhey, Assistant Executive Officer
Dean Wright, LAFCO Counsel
Debbie Hamilton, Clerk to the Commission

2. PUBLIC COMMENT

None.

3. APPROVAL OF THE MINUTES

- A. Minutes of January 27, 2010. It was moved by Commissioner Saletta, seconded by Commissioner Goeken, (Commissioners Chiesa and Freitas were ineligible to vote) to approve the Minutes of the January 27, 2010 meeting. The motion carried with a 4-0 vote of the voting members.

4. CORRESPONDENCE

A. Specific Correspondence.

Letter from James W. Kinnear, West Stanislaus County Fire Protection District, dated March 17, 2010, regarding Agenda Item No. 6B – Handout.

B. Informational Correspondence.

1. LAFCO Budget Schedule for Fiscal Year 2010-2011 – Received.
2. Staff Response Letter Regarding a Notice of Preparation – 2010 Patterson General Plan – Received.
3. “The Sphere”, CALAFCO Newsletter, February, 2010 – Received.
4. Publication of the California Special District Association (CSDA) Volume 5, Issue 1, January – February 2010 – Received.

C. In the News:

- The Modesto Bee, February 6, 2010, “Modesto considers expanding influence” – Received.
- The Modesto Bee, February 8, 2010, “Modesto eyes altering growth policies” – Received.
- The Modesto Bee, February 10, 2010, “Panel slows Modesto growth plan” – Received.
- The Modesto Bee, February 22, 2010, “Oakdale OKs fire partners proposal” – Received.
- Ceres Courier, February 24, 2010, “TID balks at groundwater ordinance language” – Received.
- The Oakdale Leader, February 24, 2010, “Fire Agencies Fuse” - Received.
- The Modesto Bee, February 28, 2010, “Why county should protect groundwater” – Received.
- The Modesto Bee, March 2, 2010, “Oakdale, fire district join forces to fill need” – Received.
- The Modesto Bee, March 2, 2010, “Agencies team up to better serve community” – Received.

Other News

- Imperial Valley Press, February 27, 2010, “Imperial County continues plans to form Southern California coalition of commissions” - Received.
- The Desert Dispatch (Barstow), March 5, 2010, “City to take over fire district” - Received.

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

6. PUBLIC HEARINGS

A. SPHERE OF INFLUENCE MODIFICATION NO. 2009-07 AND LAFCO APPLICATION NO. 2009-04 – CITY FACILITIES REORGANIZATION TO THE CITY OF PATTERSON.

Sara Lytle-Pinhey, Assistant Executive Officer, presented the proposal with the recommendation for approval.

Chair DeMartini opened the Public Hearing at 6:08 p.m.

FAVOR: Rod Simpson, Community Development Director, City of Patterson; Mike Willett, Public Works Director, City of Patterson; George Logan, Attorney, City of Patterson; and Cleve Morris, City Manager, City of Patterson.

OPPOSITION: Charles Ferry, 2818 Olive Avenue, Patterson; Dominic Speno, Villa Del Lago.

RUBUTTAL: Cleve Morris, City Manager, City of Patterson.

Chair DeMartini closed the Public Hearing at 7:04 p.m.

Commissioner Goeken made a motion to approve the proposal as submitted by the City and the motion was seconded by Commissioner Saletta. Commissioners DeMartini and O'Brien voted no, therefore, the vote ended in a 2-2 tie. The motion failed, as three votes are necessary to approve a proposal or motion.

Subsequently, it was moved by Commissioner DeMartini, seconded by Commissioner Goeken, and carried with a 3-1 vote, that the Commission adopt Resolution No. 2010-02, modifying the City's request by removing "Area 9" (approximately 115 acres located north of Olive Avenue), and approving the Sphere of Influence Modification and City Facilities Reorganization to the City of Patterson (Commissioners DeMartini, Goeken and Saletta voted for the proposal and Commissioner O'Brien voted against the proposal; Commissioners Chiesa and Freitas were ineligible).

B. LAFCO APPLICATION NO. 2009-05 – SOUTHEAST INDUSTRIAL REORGANIZATION TO THE CITY OF PATTERSON.

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

Chair DeMartini opened the Public Hearing 7:27 p.m.

FAVOR: Rod Simpson, Community Development Director, City of Patterson.

OPPOSITION: No one spoke.

Chair DeMartini closed the Public Hearing 7:35 p.m.

Moved by Commissioner Goeken, seconded by Commissioner DeMartini, (Commissioners Chiesa and Freitas were ineligible to vote) and carried with a 4-0 vote to adopt Resolution No. 2010-03, approving the Southeast Industrial Reorganization to the City of Patterson.

C. LAFCO APPLICATION NO. 2009-06 – FORMATION OF COUNTY SERVICE AREA (CSA) NO. 27 – EMPIRE (PHASE 1).

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

Chair DeMartini opened the Public Hearing at 7:40 p.m.

FAVOR: No one spoke.

OPPOSITION: No one spoke.

Chair DeMartini closed the Public Hearing at 7:41 p.m.

Moved by Commissioner O'Brien, seconded by Commissioner Saletta, (Commissioners Chiesa and Freitas were ineligible to vote) and carried with a 4-0 vote to adopt Resolution No. 2010-04, approving the Formation of CSA No. 27 – Empire (Phase 1).

7. OTHER BUSINESS

None.

8. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

Chair DeMartini stated that he would like to see the issue of agricultural mitigation addressed in future annexations, especially those that are only residential. He asked what LAFCO would need to do to come up with a policy on future annexations.

Dean Wright, LAFCO Counsel, stated that the County's ag mitigation policies are currently under litigation and there is a concern regarding mitigation focused on one particular land use versus another. Mr. Wright also noted that Yolo County's LAFCO has an ag mitigation policy that all the cities and the county have agreed upon, which is important as the cities and county are LAFCO's constituents.

9. EXECUTIVE OFFICER'S REPORT

A. On the Horizon. The Executive Officer informed the Commission of the following upcoming matters for the April 28, 2010 Meeting:

1. Proposed Budget for the Fiscal Year 2010-2011.
2. Minor Sphere Amendment and Annexation to the West Stanislaus Irrigation District – 100 acres (south of Westley).

B. Upcoming Matter for the May 26, 2010 Meeting:

1. Final Budget for the Fiscal Year 2010-2011.
2. Staff is continuing to work on the next round of Municipal Service Reviews and Sphere of Influence Updates, including the remaining irrigation districts and the existing County Service Areas.

C. Future Meeting:

1. Formation of County Service Area No. 28 – Grayson.

D. Other Matters:

1. The LAFCO Office will be closed on April 13 – 16, 2010 as Staff will be attending the CALAFCO University Course, "Fire Service Challenges and Cooperative Solutions" and the CALAFCO Staff Workshop, which are being held in Santa Rosa. Commissioner Saletta will also be attending the CALAFCO University, "Fire Services Course".

10. ADJOURNMENT

- A. Set the next meeting date of the Commission for April 28, 2010 at 6:00 p.m.
- B. The meeting was adjourned at 7:47 p.m.

SIGNED COPY ON FILE

Marjorie Blom, Executive Officer