



## STANISLAUS LOCAL AGENCY FORMATION COMMISSION

### MINUTES JULY 25, 2012

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.

#### 1. CALL TO ORDER

- A. Chair Goeken called the July 25, 2012 meeting to order at 6:00 p.m.
- B. Pledge of Allegiance to Flag. Chair Goeken led in the pledge of allegiance to the flag.
- C. Introduction of Commissioners. Chair Goeken led in the introduction of the Commissioners and Staff.

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

Staff Present: Marjorie Blom, Executive Officer  
Tom E. Boze, LAFCO Counsel (Attended for Dean Wright)  
Sara Lytle-Pinhey, Assistant Executive Officer  
Debbie Hamilton, Clerk to the Commission

#### 2. PUBLIC COMMENT

None.

#### 3. APPROVAL OF THE MINUTES

- A. Minutes of May 23, 2012. Motion by Commissioner O'Brien, seconded by Commissioner Bublak, and carried with a 5-0 vote, (Commissioners Beekman, Chiesa, and Freitas were ineligible) to approve the Minutes of the May 23, 2012 meeting.

#### 4. CORRESPONDENCE

##### A. Specific Correspondence.

1. Letter dated July 17, 2012, from Raul Mendez, Senior Management Consultant, Stanislaus County Environmental Review Committee, Division of the County Executive Office, regarding Agenda Item 6.A – Handout.
2. Letter dated July 17, 2012, from J. D. Hightower, Development Services Director, City of Riverbank, regarding Agenda Item 6.A – Handout.
3. Letter dated July 19, 2012, from Patrick Kelly, Planning Manager, City of Modesto, regarding Agenda Item 6.A – Handout.
4. Letter dated July 20, 2012, from Joel Andrews, City Planner, City of Patterson, regarding Agenda Item 6.A – Handout.
5. Letter dated July 20, 2012, from Debra Whitmore, Deputy Director of Development Services/Planning Manager, City of Turlock, regarding Agenda Item 6.A – Handout.
6. Letter dated July 23, 2012, from the Office of the Mayor, City of Ceres, regarding Agenda Item 6.1 – Handout.
7. Letter dated July 25, 2012, from William D. Harrison, General Manager, Del Puerto Water District regarding Agenda Item 6.A – Handout.
8. Letter dated July 24, 2012, from Ron Peterson, President, Stanislaus County Farm Bureau, regarding Agenda Item 6.A – Handout.
9. Letter dated July 25, 2012, Via Fax, from Donna Minighini, County Resident, regarding Agenda Item 6.A – Handout.

##### B. Informational Correspondence.

1. Updated Brochure “What is LAFCO”? – Received.
2. 2012 CALAFCO Annual Conference Flyer for October 3-5, 2012 at the Hyatt Monterey - Received.
3. Publication of the California Special Districts Association (CSDA), Volume 7, Issue 3, May – June 2012 - Received.
4. C & L Newsletter Update on Public Law, Colantuono & Levin, PC, Spring 2012 - Received.
5. Save the Date Flyer – “Achieving Broad Public Engagement in the San Joaquin Valley” Workshop (September 27, 2012, in Modesto) - Received.
6. Booklet from California Special Districts Association (CSDA), “2012 CSDA Annual Conference & Exhibitor Showcase” - Received.

7. LAFCO of Monterey County, "Invitation to 2012 Annual CALAFCO Conference" – Handout.

C. In the News.

- The Oakdale Leader, May 23, 2012, "Division 1 North - Oakdale Rural Moves Forward" - Received.
- The Modesto Bee, May 24, 2012, "Strategy for preserving agriculture divides LAFCo, especially mitigation" - Received.
- Ceres Courier, May 30, 2012, "If TID adds Patterson, costs here will increase" - Received.
- West Side Index, May 31, 2012, "City leaders, supervisor at odds over ag preservation approach - Received.
- Ceres Courier, June 13, 2012, "Ceres expands by 960 acres" - Received.
- The Turlock Journal, June 16, 2012, "Turlock growth plan protested – by Denair residents" - Received.
- The Oakdale Leader, June 27, 2012, "Division 1 Debate Sent to Committee" – Received.
- The Turlock Journal, June 27, 2012, "Invest in downtown, expert says" – Received.
- Patterson Irrigator, July 4, 2012, "Health district officials pass a \$4.2 million budget" – Received.
- The Oakdale Leader, July 4, 2012, "City Weighs Concern Over Chapter 9".
- Patterson Irrigator, July 4, 2012, "Patterson sues Keystone for general plan money" – Received.
- West Side Index, July 5, 2012, "District lowers ambulance tax" – Received.
- Patterson Irrigator, July 12, 2012, "Giant industrial park expansion passes first test" – Received.
- The Modesto Bee, July 18, 2012, "Stanislaus mayors urging vote on growth" – Received.

Other News:

- San Francisco Chronicle, May 19, 2012, "Land-use plan calls for new growth near transit" – Received.
- The Washington Post, May 24, 2012, "Vallejo, Calif., once bankrupt, is now a model for cities in an age of austerity" – Received.

- USA Today, June 6, 2012, “Home rentals-the new American Dream? – Received.
- GOOD News.com, June 12, 2012, Growing Pains: Why is L.A. So Hard on Urban Farmers?
- Contra Costa Times, June 13, 2012, “Mt. Diablo Health Care District board will go away ‘one way or another,’ regulators warn” – Received.
- Contra Costa Times, June 29, 2012, “Embattled Mt. Diablo Health Care District on the brink of shifting over to Concord’s control” – Received.
- Better Cities and Towns, July 5, 2012, “Don’t get mixed-up on mixed-use” – Received.
- The Fresno Bee, July 7, 2012, “Perea to LAFCO: Rethink Fresno’s eastward sprawl” – Received.
- Visalia Times-Delta, July 7, 2012, “Tulare County Grand Jury: Some special districts troubled” – Received.
- U-T News, San Diego, July 9, 2012, “TRI-CITY DISTRICT’S FATE MAY BE UP TO LAFCO” – Received.
- The Bay Citizen, July 13, 2012, “Health districts’ oversight questioned” – Received.
- San Mateo Daily Journal, July 16, 2012, “LAFCo to the rescue” – Received.

## 5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

## 6. PUBLIC HEARINGS

### A. CONSIDER ADOPTION OF THE REVISED DRAFT AGRICULTURAL PRESERVATION POLICY.

Sara Lytle-Pinhey, Assistant Executive Officer, presented an overview of the Revised Draft Agricultural Preservation Policy.

Chair Goeken opened the Public Hearing at 6:15 p.m.

FAVOR: Denny Jackman, representing Central Valley Farmland Trust; J. Allen Gammon, Modesto Resident; Daniel O’Connell, American Farmland Trust; Brad Barker, Modesto Resident; Vance Kennedy, 5052 Tully Road, Modesto; Wayne Zipser, Farm Bureau; and Bob Endsley, Turlock Resident.

OPPOSITION: Keith Schneider, 505 Baldwin Road, Patterson; Ron West, Patterson Resident; Reed Smith, Bent Road, Modesto; Patrick Kelly, Planning Manager, City of Modesto; and John Beckman, CEO, Building Industry Association of the Delta.

OTHER: Speaking neither for nor against the proposal were Jill Anderson, City Manager, City of Riverbank and Jennifer Machado, Modesto Resident.

Chair Goeken closed the Public Hearing at 7:31 p.m.

Motion was made by Commissioner Goeken, seconded by Commissioner Bublak and carried with a 5-0 vote (Commissioners Beekman, Chiesa and Freitas were ineligible) to direct staff to revise language in the Policy, omit reference to greenbelts or buffers, investigate ability to mitigate for residential uses only, and return the item for further consideration at the September 26, 2012 LAFCO Meeting.

Commissioner Chiesa left the Dias at 8:18 p.m.

**B. CONSIDER AMENDMENT TO THE LAFCO CONFLICT OF INTEREST CODE.**

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

Chair Goeken opened the Public Hearing at 8:20 p.m.

FAVOR: None.

OPPOSITION: None.

Chair Goeken closed the Public Hearing at 8:21 p.m.

Motion was made by Commissioner O'Brien, seconded by Commissioner Saletta, and carried with a 5-0 vote (Commissioners Beekman and Freitas were ineligible and Commissioner Chiesa was absent) to adopt Resolution No. 2012-11, approving the Amendment to the LAFCO Conflict of Interest Code.

**7. OTHER BUSINESS.**

**A. Nominations for the CALAFCO Board of Directors.**

Motion was made by Commissioner Bublak, seconded by Commissioner Saletta, and carried with a 5-0 vote (Commissioners Beekman and Freitas were ineligible and Commissioner Chiesa was absent) to nominate Commissioner Beekman (City Member) and Commissioner O'Brien (County Member) to represent the Central Region on the CALAFCO Board of Directors.

**B. Designation of Annual CALAFCO Conference Voting Delegate and Achievement Award Nomination Information.**

Motion was made by Commissioner O'Brien, seconded by Commissioner Bublak, and carried with a 5-0 vote (Commissioners Beekman and Freitas were ineligible and Chiesa was absent) to designate Chair Goeken, as the Voting Delegate and Commissioner DeMartini as the Alternate Voting Delegate to represent Stanislaus LAFCO at the 2012 CALAFCO Conference on October 4, 2012, in Monterey.

**8. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON**

None.

**9. EXECUTIVE OFFICER'S REPORT**

- A. On the Horizon. The Executive Officer informed the Commission of the following:
1. Upcoming matters for the August 22, 2012 meeting:
    - a. The Commission may wish to consider cancellation of its August 22, 2012 meeting.
  2. Upcoming matters for the September 26, 2012 meeting:
    - a. Final Draft Agricultural Preservation Policy.
    - b. Policies and Procedures Update (Rule 30).

**10. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL**

- A. Conference with Legal Counsel regarding Existing Litigation (Government Code Section 54956.9(a)): *Protect Agricultural Land vs. Stanislaus Local Agency Formation Commission, Stanislaus Superior Court Case No. 673680.*

The voting members of the Commission, LAFCO Legal Counsel and LAFCO Executive Officer left the Dais at 8:25 p.m. and convened to the Chambers Basement Conference Room to meet in closed session.

**11. REPORT FROM CLOSED SESSION**

- A. The Commission, LAFCO Legal Counsel and LAFCO Executive Officer returned to the Dais at 8:31 p.m. Chair Goeken announced that there were no actions to report.

**12. ADJOURNMENT**

- A. Motion by Commissioner Bublak, seconded by Commissioner Saletta, and carried with a 5-0 vote to cancel the Regular Meeting of August 22, 2012, and schedule the next meeting date and time for September 26, 2012 at 6:00 p.m.
- B. The meeting was adjourned at 8:32 p.m.

**SIGNED COPY ON FILE**

Marjorie Blom, Executive Officer