



STANISLAUS LOCAL AGENCY FORMATION COMMISSION
MINUTES
SEPTEMBER 26, 2012

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

Chair Goeken called the September 26, 2012 meeting to order at 6:04 p.m.

- A. Pledge of Allegiance to Flag. Chair Goeken led in the pledge of allegiance to the flag.
- B. Introduction of Commissioners and Staff. 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
Sara Lytle-Pinhey, Assistant Executive Officer
Thomas E. Boze, LAFCO Counsel (Attended for Dean Wright)
Marnie Ardis, Acting Clerk to the Commission

2. PUBLIC COMMENT

None.

3. APPROVAL OF THE MINUTES

- A. Minutes of July 25, 2012. Motion by Commissioner Saletta, seconded by Commissioner Bublak, and carried with a 5-0 vote, (Commissioners Beekman, Chiesa, and Freitas were ineligible) to approve the Minutes of the July 25, 2012 meeting.

4. CORRESPONDENCE

A. Specific Correspondence.

1. Letter from the City of Patterson regarding Agenda Item 7A – Handout.
2. Letter from Ron West regarding Agenda Item 7A – Handout.

B. Informational Correspondence.

1. CALAFCO Quarterly, July 2012.
2. California Special District Association (CSDA) Publication, Volume 7, Issue 4, July – August 2012.
3. C & L Newsletter Update on Public Law, Colantuono & Levin, PC, July 2012.
4. A Practical Guide to the California Environmental Quality Act, 2012, by the Planning Center/DC&E.
5. StanCOG “On the Move” Newsletter, 2nd Quarter 2012.
6. Farmland Working Group Newsletter, fall 2012.
7. California Special District Publication, Volume 7, Issue 5, Sept-Oct 2012.

C. In the News.

1. Miscellaneous News Articles.

5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

None.

6. CONSENT ITEMS

Motion by Commissioner Bublak, seconded by Commissioner Saletta and carried with a 5-0 vote (Commissioners Beekman, Chiesa, and Freitas were ineligible) to approve the following Consent Items:

- A. **ACCEPTANCE OF THE PROPOSED 2013 LAFCO MEETING CALENDAR.** (Staff Recommendation: Accept the 2013 LAFCO Meeting Calendar.)
- B. **OUT-OF-BOUNDARY SERVICE APPLICATION – CITY OF MODESTO – 4249 McHENRY AVENUE.** A request by the City of Modesto to provide water service outside its boundaries to serve a proposed new automobile dealership, located just north of Pelandale/Claratina Avenues, within the Sphere of Influence of the City of Modesto. (Staff Recommendation: Approve Resolution No. 2012-12.)

7. PUBLIC HEARING

A. CONSIDER ADOPTION OF AN AGRICULTURAL PRESERVATION POLICY.

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

Chair Goeken opened the Public Hearing at 6:22 p.m.

FAVOR: Scott Calkins, Modesto resident; Daniel O'Connell, American Farmland Trust; Brad Barker, Modesto resident; Vance Kennedy, County resident; Wayne Zipser, Executive Director, Stanislaus County Farm Bureau; Allen Gammon, Modesto resident; and Anita Young, County resident.

OPPOSITION: Reed Smith, Modesto resident; Patrick Kelly, City of Modesto Planning Manager; Jeff Perine, Modesto resident; Karla Von Hungen, Modesto resident; Bill Zoslocki, Modesto resident; and George Petrulakis, Attorney in Modesto.

NEITHER FOR NOR AGAINST: Milton Trieweller, Turlock resident; C.W. Iffland, Modesto resident; and J.D. Hightower, City of Riverbank Development Services Director.

Chair Goeken closed the Public Hearing at 7:54 p.m.

Motion by Chair Goeken, seconded by Commissioner Bublak and carried with a 4-1 vote (Commissioner Saletta voted no and Commissioners Beekman, Chiesa, and Freitas were ineligible) to adopt Resolution No. 2012-10, approving the Agricultural Preservation Policy with the following modifications: Add sub-section A-2(b) stating, "Agricultural mitigation easements or offsets shall not be required for any annexations of land for commercial or industrial development" and remove item A-4.

8. ADDITIONAL MATTERS AT THE DISCRETION OF THE CHAIRPERSON

A. Results of Executive Officer's Performance Review.

Chair Goeken announced the positive results of the recently completed Executive Officer's Performance Review. He also requested that beginning next year, the Executive Officer evaluation forms be sent to all commissioners for their input, prior to the completion of the performance review.

9. EXECUTIVE OFFICER'S REPORT

A. On the Horizon. The Executive Officer informed the Commission of the following:

1. October 24, 2012 Meeting:
 - a. No items scheduled.
2. Upcoming Projects: LAFCO Policies & Procedures Update with regards to:
 - a. SB 244, which requires additional determinations with regards to disadvantaged unincorporated communities or "DUC's" for Municipal Service Reviews and Spheres of Influence updates.

- b. Commission Policy 15 - Out-of-boundary service extensions, as it relates to the Beard Industrial Area, as requested by the City of Modesto.
 - c. Review of Rule 30 – Consideration of allowing Alternate Commissioners to participate in closed sessions.
3. City of Patterson proposal – MSR, Sphere of Influence expansion, and reorganization request to accommodate commercial and industrial development adjacent to the City’s existing West Patterson Business Park. (Materials provided to the Commission at the Dais in an orange file folder. Please retain the materials.)
 4. Of Note to the Commission:
 - a. Stanislaus LAFCO has received a “President’s Special Acknowledgement Award” from the Special District Risk Management Authority, which recognizes its members who have had not had any property or liability claims for the past 5 years.
 - b. Annual Conference in Monterey – October 3rd-5th, 2012.

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 8:45 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 8:54 p.m. Thomas E. Boze, LAFCO Counsel announced that there were no reportable actions.

12. ADJOURNMENT

- A. Chair Goeken announced the cancellation of the Regular Meeting on October 24, 2012, and scheduled the next meeting date and time for December 5, 2012 at 6:00 p.m.
- B. The meeting was adjourned 8:55 p.m.

SIGNED COPY ON FILE

Marjorie Blom, Executive Officer