



# STANISLAUS LOCAL AGENCY FORMATION COMMISSION

## MINUTES

April 28, 2021

### 1. CALL TO ORDER

Chair Bublak called the meeting to order at 6:02 p.m.

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

Commissioners Present: Amy Bublak, Chair, City Member  
Terry Withrow, Vice-Chair, County Member  
Richard O'Brien, City Member  
Vito Chiesa, County Member  
Bill Berryhill, Public Member  
Brad Hawn, Alternate Public Member  
Javier Lopez, Alternate City Member

Staff Present: Sara Lytle-Pinhey, Executive Officer  
Javier Camarena, Assistant Executive Officer  
Jennifer Vieira, Commission Clerk  
Robert J. Taro, LAFCO Counsel

Commissioners Absent: Mani Grewal, Alternate County Member

### 2. PUBLIC COMMENT

None.

### 3. APPROVAL OF MINUTES

- A. Minutes of the March 24, 2021 Meeting.

Motion by Commissioner Berryhill, seconded by Commissioner Chiesa and carried with a 5-0 vote to approve the Minutes of the March 24, 2021 meeting by the following:

Ayes: Commissioners: Berryhill, Bublak, Chiesa, O'Brien and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Hawn and Lopez  
Absent: Commissioners: Grewal  
Abstention: Commissioners: None

#### 4. CORRESPONDENCE

A. Specific Correspondence.

1. Letter dated April 21, 2021 from Dennis Hatfield and residents of Real Court and Lee Avenue in Newman regarding Agenda Item 8A.
2. Letter dated April 28, 2021 from Sherri Marsigli, Steve Bassett and Lori Branco regarding Agenda Item 8A.

B. Informational Correspondence.

C. "In the News."

#### 5. DECLARATION OF CONFLICTS AND DISQUALIFICATIONS

Commissioner O'Brien recused himself from Agenda Item 7A due to his business relationship to one of the applicants.

#### 6. CONSENT ITEMS

None.

#### 7. OTHER BUSINESS

- A. **SELECTION OF PUBLIC MEMBER AND ALTERNATE PUBLIC MEMBER TO THE COMMISSION.** The Commission will consider applications to fill upcoming vacancies for the Public and Alternate Public Member. (Staff Recommendation: Appoint a Public Member and Alternate Public Member and adopt Resolutions No. 2021-06 and 2021-07.)

*6:05 p.m. Commissioner Berryhill, Commissioner Hawn and Commissioner O'Brien left the dais.*

Commissioner Bublak opened the floor to the 5 applicants: Dennis E. Wilson, Ken L. Lane, William M. O'Brien, Eric Alphonse Kellner and William R. Berryhill.

Motion by Commissioner Chiesa, seconded by Commissioner Lopez, and approved with a 4-0 vote to appoint William Berryhill as Alternate Public Member, by the following vote:

Ayes: Commissioners: Bublak, Chiesa, Lopez and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Berryhill and Hawn  
Absent: Commissioners: Grewal  
Abstention: Commissioners: O'Brien

Motion by Commissioner Withrow, seconded by Commissioner Lopez, and approved with a 4-0 vote to appoint Ken Lane as Public Member, by the following vote:

Ayes: Commissioners: Bublak, Chiesa, Lopez and Withrow  
Noes: Commissioners: None  
Ineligible: Commissioners: Berryhill and Hawn

Absent: Commissioners: Grewal  
Abstention: Commissioners: O'Brien

6:23 p.m. Commissioner Berryhill, Commissioner Hawn and Commissioner O'Brien returned to the dais.

## 8. PUBLIC HEARINGS

- A. **LAFCO APPLICATION NO. 2021-01 – NORTHWEST NEWMAN PHASE I REORGANIZATION TO THE CITY OF NEWMAN:** The City of Newman has requested annexation of approximately 53.47 acres to the City of Newman and simultaneously detach the area from the West Stanislaus Fire Protection District and Central California Irrigation District. The City of Newman previously applied for a larger annexation area in 2018 that was terminated by election. The current proposal represents a smaller portion of Phase One of the Northwest Newman Master Plan. The project area is located northwest of the Newman City Limits, west of Highway 33 and south of Stuhr Road. The City assumed the role of Lead Agency, pursuant to the California Environmental Quality Act (CEQA), for the project and prepared an Environmental Impact Report for the project. LAFCO, as a Responsible Agency, will consider the environmental documentation and adopt the same findings if approved. (Staff Recommendation: Adopt Resolution No. 2021-04, approving the application.)

Javier Camarena, Assistant Executive Officer, presented the item with a recommendation of approval.

Chair Bublak opened the item up for Public Comment at 6:39 p.m.

Michael Holland, City Manager of Newman; and Dave Romano, representing Sandpoint Ranch, spoke in Favor of the proposal and answered questions of the Commission.

Sherri Marsigli, property owner; Ronald Clark, property owner/resident; Rosalind Clark property owner/resident; Dennis Hatfield, property owner/resident; Jan Devers, property owner/resident; and Francisco Gonzalez, property owner/resident spoke in opposition of the proposal.

Frederic Clark, Deputy Director of Stanislaus County Public Works Department, requested that all of Jensen Road be included in the proposal.

Chair Bublak closed the Public Hearing at 7:34 p.m.

Motion by Commissioner O'Brien, seconded by Commissioner Berryhill and carried with a 4-1 vote to adopt Resolution No. 2021-04, approving the application, by the following vote:

Ayes: Commissioners: Berryhill, Bublak, O'Brien and Withrow  
Noes: Commissioners: Chiesa  
Ineligible: Commissioners: Hawn and Lopez  
Absent: Commissioners: Grewal  
Abstention: Commissioners: None

- B. **LAFCO PROPOSED BUDGET FOR FISCAL YEAR (FY) 2021-2022.** The Commission will consider the adoption of the proposed LAFCO budget consistent with Government Code Sections 56380 and 56381. (Staff Recommendation: Approve the proposed budget and adopt Resolution No. 2021-05.)

Sara Lytle-Pinhey, Executive Officer, presented the item with a recommendation of approval.

*7:47 p.m. Commissioner Berryhill left the dais.*

*7:50 p.m. Commissioner Berryhill returned to the dais.*

Chair Bublak opened the item up for Public Comment at 7:55 p.m.

No one spoke.

Chair Bublak closed the Public Hearing at 7:55 p.m.

Motion by Commissioner Chiesa, seconded by Commissioner Withrow and carried with a 5-0 vote to adopt Resolution No. 2021-05, by the following vote:

Ayes:	Commissioners: Berryhill, Bublak, O'Brien and Withrow
Noes:	Commissioners: Chiesa
Ineligible:	Commissioners: Hawn and Lopez
Absent:	Commissioners: Grewal
Abstention:	Commissioners: None

## **9. COMMISSIONER COMMENTS**

Commissioner O'Brien and Commissioner Berryhill thanked Commissioner Hawn for his service as a LAFCO Commissioner. Commissioner Hawn thanked everyone for his time on the Commission.

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

Commissioner Bublak presented Commissioner Hawn with a plaque and thanked him for his years of service as a LAFCO Commissioner.

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

- A. On the Horizon. The Executive Officer informed the Commission of the following:
- For the May 26<sup>th</sup> meeting, the Commission will hear the final LAFCO budget and the Lodi-Whitmore annexation to the City of Modesto.

## **12. ADJOURNMENT**

- A. Chair Bublak adjourned the meeting at 7:59 p.m.

**DRAFT**