



Local Agency Formation Commission
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**MINUTES OF REGULAR MEETING
OF THE
LOCAL AGENCY FORMATION COMMISSION
MERCED COUNTY, CALIFORNIA**

October 24, 2002

Chairman Cortez-Keene called the meeting to order at 2:03 p.m. in the Board Chambers on the third floor of the Merced County Administration Building.

I. ROLL CALL

Commissioners Present: Commissioner Cortez-Keene
Commissioner Bertao
Commissioner Amabile
Commissioner O'Banion
Commissioner Trevino
Commissioner Hunter
Commissioner Ingram

Staff Present: Bill Nicholson, Executive Officer
John LeVan, Staff Planner
Victoria Lane, Recording Secretary

Counsel Present: James Tarhalla, LAFCO Counsel

II. APPROVAL OF MINUTES

MOTION: M/S O'BANION - BERTAO, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE MINUTES OF THE MEETING OF JULY 25, 2002.

III. CITIZEN COMMUNICATION

NONE

IV. GENERAL BUSINESS

A. Out-of-Boundary Service Extension – Applicant: City of Merced (LAFCO File No. 02-01) To provide city water service to the Yosemite Church property located on the

north side of Yosemite Avenue, 300 feet west of Hatch Road.

Executive Officer, Bill Nicholson, presented the Executive Officer's Report dated October 24, 2002.

There was discussion regarding other surrounding residents being able to get city water as well. Mr. Nicholson stated that each individual extension would require approval both by LAFCO and the City. He also mentioned that the approval is conditional upon Yosemite Church signing a "Waiver of Protest Agreement" with the City should annexation be contemplated in the future. This is a standard condition for these types of applications.

John Hoffman, City of Merced Planner, introduced himself and presented himself available to answer questions. He and Mr. Nicholson clarified that the Church would be using city water for all their water needs and not just for fire flow.

Duane Andrews, from Golden Valley Engineering, introduced himself to the Commission. He added that the Church has committed to annex, but there are other properties that would have to come in with them. Mr. Andrews is in contact with these property owners and the City regarding this. It is moving slowly but certainly towards annexation.

MOTION: M/S BERTAO/O'BANION, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION DIRECTS THE EXECUTIVE OFFICER TO SUBMIT A LETTER TO THE CITY OF MERCED INDICATING THE COMMISSION'S APPROVAL OF THE OUT OF BOUNDARY WATER SERVICE EXTENSION TO YOSEMITE CHURCH, CONDITIONAL UPON THE CHURCH SIGNING A "WAIVER OF PROTEST AGREEMENT."

- B. Update on Consultant Request for Proposals – Municipal Service Reviews.

LAFCO Staff Planner, John LeVan, presented the Executive Officer's Report dated October 24, 2002.

MOTION: M/S KEENE/O'BANION, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION DIRECTS THE SUB-COMMITTEE TO RECOMMEND THEIR PREFERRED CONSULTANT AND BRING THE DECISION BACK TO THE COMMISSION FOR APPROVAL.

- C. City of Atwater Sphere of Influence Update – Discussion and direction to staff on application processing.

Mr. Nicholson stated that this specific item is no longer necessary, but he would like to discuss this topic further at the end of the meeting under general discussion.

V. PUBLIC HEARINGS

- A. City of Atwater Sphere of Influence Revision No. 2 (LAFCO File No. 1054B).

Executive Officer, Bill Nicholson, presented the Executive Officer's Report dated October 24, 2002.

There was discussion about the City of Atwater being at its current sphere capacity, so for growth to be possible, the Sphere of Influence would have to be expanded.

Commissioner Hunter asked if the proposed expansion included the JR Wood plant. Based on an indication from Mohammed Khatami, City of Atwater Planning Director, it was determined that JR Wood is included and that they are aware and in agreement with this action.

The public hearing was opened at 2:52 p.m.

Mo Khatami, came forward to answer questions about the City's proposal. It was discussed that annexation of the McSwain area was not being pursued by either the residents or the City of Atwater.

Lillian Polinario, resident east of the City, was concerned about parks and if there would be some new parks to go along with the new developments. Mr. Khatami pointed out that the City of Atwater is already well-known for having more park space than almost any city in the county, anywhere from 3.5 to 4 acres per 1,000 people. Commissioner O'Banion added that this is just the Sphere of Influence Revision phase, questions regarding parks would be more relevant during the annexation phase.

The public hearing was closed at 3:01 p.m.

MOTION: M/S O'BANION/AMABILE, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION APPROVES THE SPHERE OF INFLUENCE REVISION NO. 2 TO THE CITY OF ATWATER, LAFCO FILE NO. 1054B AND APPROVES THE STAFF FINDING NO. 1 UNDER SECTION A AND STAFF FINDINGS NO. 1-8 UNDER SECTION B IN THE EXECUTIVE OFFICER'S REPORT DATED OCTOBER 24, 2002.

VI. CONSENT AGENDA

Adopt Resolution to complete proceedings for the Fahrens Creek II Annexation to the City of Merced (LAFCO File No. 0581).

MOTION: M/S O'BANION/AMABILE, AND CARRIED BY A UNANIMOUS VOTE, THE COMMISSION ADOPTS RESOLUTION NO. 0581 TO COMPLETE PROCEEDINGS FOR THE FAHRENS CREEK II ANNEXATION TO THE CITY OF MERCED.

There was further discussion about Item IV.C. of the Agenda. If an applicant City has not paid their LAFCO dues whether staff should be directed to process the application anyway or delay processing until the dues have been paid. James Tarhalla, LAFCO Legal Counsel, said that, legally, it could be done. It was decided that if it occurs again, it would be brought before the Commission and action would be decided at that time.

VI. ADJOURNMENT

There being no further business, Chairperson Keene adjourned the meeting at 3:12 p.m.